FEDERAL REGISTER

VOLUME 20 NUMBER 141

Washington, Thursday, July 21, 1955

TITLE 3—THE PRESIDENT

PROCLAMATION 3103

MODIFICATION OF RESTRICTIONS ON IMPORTS OF SHELLED FILBERTS

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS, pursuant to section 22 of the Agricultural Adjustment Act, as amended (7 U. S. C. 624), I issued Proclamation No. 3073 (19 F. R. 6623) on October 11, 1954, imposing a fee of 10 cents per pound, but not more than 50 per centum *ad valorem*, on shelled filberts, whether or not blanched, entered, or withdrawn from warehouse, for consumption during the 12-month period beginning October 1, 1954, in excess of an aggregate quantity of 6,000,000 pounds, such fee being in addition to any other duties imposed on the importation of such filberts; and

WHEREAS, pursuant to section 22 (d) of the Agricultural Adjustment Act, as amended, the United States Tariff Commission has made a supplemental investigation to determine whether changed circumstances require the modification of the said Proclamation No. 3073 in order to carry out the purposes of the said section 22 and has submitted to me a report of its findings and recommendations with respect thereto; and

WHEREAS, on the basis of the said supplemental investigation and report of the Tariff Commission, I find that changed circumstances require the modification of the said Proclamation No. 3073 in the manner hereinafter proclaimed, in order to carry out the purposes of the said section 22; and

WHEREAS I find and declare that the entry, or withdrawal from warehouse, for consumption during the remainder of the 12-month period beginning October 1, 1954, of an additional quantity of shelled filberts, whether or not blanched, not in excess of 1,500,000 pounds, free of the fee imposed by the said proclamation, will not render or tend to render ineffective, or materially interfere with, the program of the Department of Agriculture with respect to filberts, or reduce substantially the amount of products processed in the United States from filberts with respect to which such program is being undertaken:

NOW THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, acting under and by virtue of the authority vested in me by the said section 22 of the Agricultural Adjustment Act, as amended, do hereby proclaim that the said Proclamation No. 3073 is hereby modified so as to permit the entry, or withdrawal from warehouse, for consumption during the remainder of the 12-month period beginning October 1, 1954, of an additional quantity of 1,500,000 pounds of shelled filberts, whether or not blanched, free of the fee imposed by the said Proclamation No. 3073.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 15th day of July in the year of our Lord nineteen hundred and fifty-five,
[SEAL] and of the Independence of the United States of America the one hundred and eightieth.

DWIGHT D. EISENHOWER

By the President:

HERBERT HOOVER, Jr.,
Acting Secretary of State.

[F. R. Doc. 55-5952; Filed, July 19, 1955; 1:43 p. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter B—Export Regulations

[7th Gen. Rev. of Export Regs., Amdt. 35 [1]]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

MISCELLANEOUS AMENDMENTS

1. Wherever the words "Foreign Operations Administration (FOA)" appear

[1] This amendment was published in Current Export Bulletin No. 753, dated July 14, 1953, and in the reprint pages dated July 14, 1953.

(Continued on p. 5221)

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THE PRESIDENT

EXECUTIVE AGENCIES

FEDERAL REGISTER

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

in the Export Regulations, there is substituted therefor the words "International Cooperation Administration (formerly FOA)"

2. Section 373.2 *Confirmation of country of ultimate destination and verification of actual delivery,* paragraph (e) *Submission of delivery verification* is amended in the following particulars: Subdivision (ii) of paragraph (e) subparagraph (1) *Notification of requirement* is amended to read as follows:

(ii) The notification of the requirement that a Delivery Verification be submitted for a particular export transaction is cancelled automatically if (*a*) subsequent to the issuance of a license, the commodity is deleted from the Positive List, or the letter "A" in the Commodity Lists column is removed from the commodity listing on the Positive List; or (*b*) the notification of the requirement appears on an Export License (Form IT- or FC-628) issued on or before July 13, 1955, unless the Bureau of Foreign Commerce advises the licensee, in writing, by July 20, 1955, that the automatic cancellation does not apply to a specifically identified transaction.[2]

This amendment shall become effective as of July 14, 1955.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F. R. Doc. 55-5890; Filed, July 20, 1955; 8:45 a. m.]

[7th Gen. Rev. of Export Regs., Amdt. P. L. 20[1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

1. The following commodities are added to the Positive List:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
523110	Synthetic monocrystals of lithium fluoride or calcium fluoride [1]	Lb.	SATE	None	RO
599098	Synthetic monocrystals of lithium fluoride or calcium fluoride.[1]	Lb.	CDGS	None	RO
914750	Calcium or lithium fluoride (artificial) lenses and prisms [1]	No.	SATE	None	RO

[1] This commodity is subject to the IC/DV procedure (see § 373.2 of this subchapter), effective Aug. 22, 1955; is subject to DL restrictions (see § 374.2 of this subchapter), excepted from the time limit licensing procedure (see Part 377 of this subchapter), and excepted from the provisions of General License GIT (see § 371.9 (c) of this subchapter) effective Aug. 13, 1955.

This part of the amendment shall become effective as of 12:01 a. m., July 21, 1955.

2. The revised entry set forth below is substituted for entries presently on the positive list:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
523110	Rough-moulded lenses and prisms with a unit weight of 0.5 kg. or more.[1]	No. and lb.	SATE	25	RO

[1] This entry combines the second and third entries presently on the positive list under Schedule B No. 523110 without change in coverage.

This part of the amendment shall become effective as of July 14, 1955.

Shipments of any commodities removed from general license to Country Group R or Country Group O destinations as a result of changes set forth in Part 1 of this amendment, which were on dock for lading, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a. m., July 21, 1955, may be exported under the previous general license provisions up to and including August 13, 1955. Any such shipment not laden aboard the exporting carrier on or before August 13, 1955, requires a validated license for export.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F. R. Doc. 55-5891; Filed, July 20, 1955; 8:46 a. m.]

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[1] This amendment was published in Current Export Bulletin No. 753, dated July 14, 1955.

[2] See Note 2 (a) following § 372.11 of this subchapter for explanation of the coded issuance date appearing on the export license.

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter I—Home Loan Bank Board, Housing and Home Finance Agency

Subchapter B—Federal Home Loan Bank System

[No. 8596]

PART 122—ORGANIZATION OF THE BANKS

ELECTION OF DIRECTORS; NOTIFICATION TO NOMINEES

JULY 15, 1955.

Resolved that, pursuant to Part 108 of the General Regulations of the Home Loan Bank Board (24 CFR Part 108) § 122.28 of the Regulations for the Federal Home Loan Bank System (24 CFR 122.28) is hereby amended, effective July 21, 1955, to read as follows:

§ 122.28 *Notification to nominees.* A letter will be forwarded to each nominee under registered mail so as to reach his address, as shown by the Board's records, before September 9, informing him of his nomination: *Provided, however* No such letter shall be forwarded to any nominee holding a class directorship or a directorship-at-large whose term does not expire until after the close of the calendar year during which the election is being held or to any nominee holding an appointive directorship, unless the Secretary to the Board has received from him before September 1 notice of his intention to be a candidate for a class directorship or directorship-at-large. With such letter each such nominee will be forwarded a copy of these Regulations governing the nomination and election of Bank directors and a questionnaire which will contain, among other things, a request for a brief biography and questions to ascertain whether the nominee is eligible for the directorship for which he has been nominated and whether he is willing to serve if elected. Such questionnaire must be completely filled in and mailed so as to be delivered to the office of the Secretary to the Board not later than September 15 in order for the nominee to have his name placed on an election ballot. No candidate shall be eligible for election to a directorship unless he is nominated and his name placed on an election ballot pursuant to the provisions of this section and § 122.29.

Resolved further that, as this amendment is procedural in character and the deferment of its effective date would serve no useful purpose, notice and public procedure thereon is unnecessary and deferment of the effective date is not required by Section 4 of the Administrative Procedure Act or Part 108 of the General Regulations of the Home Loan Bank Board (24 CFR Part 108)

(Sec. 17, 47 Stat. 736; 12 U. S. C. 1437. Interprets or applies sec. 7, 47 Stat. 730, as amended; 12 U. S. C. 1427)

By the Home Loan Bank Board.

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 55-5931; Filed, July 20, 1955; 8:53 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt 152]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety Compliance with the notice procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required

Part 609 is amended as follows:

NOTE: Where the general classification (LFR VAR, ADF ILS GCA or VOR) location and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one as of the effective date given to the extent that it differs from the existing procedure; where a procedure is canceled the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended

1 The automatic direction finding procedures prescribed in § 609 8 are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an ADF instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport Initial approaches shall be made over specified routes Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums			If visual contact not established at authorized landing minimums after passing facility within distance specified or if landing not accomplished
							Condition	Type aircraft: 75 m. p. h or less	Type aircraft: More than 75 m p h	
1	2	3	4	5	6	7	8	9	10	11
BRUNSWICK, GA. Malcolm McKinnon, 20' BMH-SSI Procedure No. 1 Amendment No. 4 Effective: Aug. 20, 1955. Supersedes Amendment No M-3 Feb 1, 1954. Major changes: Revise entire approach to improve runway alinement and traffic control	Brunswick VOR	108—3.5	1 100	S side: 225° outbound 045 inbound. 1 300' within 10 miles	600	On airport	2 engines or less T-dn C-dn A-dn More than 2 engines T-dn C-dn S-dn 4 A-dn	300-1 600-1 800-2 	300-1 600-1 800-2 200-½ 600-1½ 600-1 800-2	Within 0 mile turn right,* climb to 1,300' on course of 225 within 25 miles. *Provides separation from Navy Glynco traffic
EL DORADO, ARK. Goodwin Field 277' RBN-ELD. Procedure No. 1 Amendment No. 2. Effective: July 20, 1955. Supersedes Amendment No 1 January 15, 1955. Major changes: Raise missed approach altitude	El Dorado VOR	208—4.5	1 600	W side course: 310° outbound 130° inbound. 1,400' within 10 miles. Beyond 10 miles not authorized	900	On airport	2 engines or less T-dn C-dn A-dn More than 2 engines T-dn C-dn A-dn	300-1 600-1 800-2 	300-1 600-1 800-2 200-½ 600-1½ 800-2	Climb to 1 900' on course of 130° within 25 miles. CAUTION: No control area Pilots using this facility shall, as soon as practicable advise El Dorado radio of their position altitude, ETA, and intentions, and thereafter determine that adequate separation exists from other reported users of navigational facilities in the area. In instances where other aircraft have previously contacted El Dorado radio, hold between facility and a point 2 minutes out on final approach course at least 1,000' above procedure turn altitude and 1,000' above previously reported traffic until advised that aircraft making approach has landed. Keep El Dorado radio advised at all times of changes in altitude and position in order that other aircraft may also receive this information.

2 The very high frequency omnirange procedures prescribed in § 609 9 (a) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport Initial approaches shall be made over specified routes Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below

City and State; airport name, elevation; facility; class and identification; procedure No; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft)	Course and distance, facility to airport	Ceiling and visibility minimums			If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
							Condition	Type aircraft		
								75 m. p. h or less	More than 75 m p h	
1	2	3	4	5	6	7	8	9	10	11
AUGUSTA, GA. Daniel Field, 427' BVOR-AGS Amendment—Original Procedure No. 1. Effective: August 20, 1955	Augusta LFR	333—8 0	1,800	S side of course: 320° outbound 140° inbound. 1 800' within 10 miles	1,300	134—7 0	2 engines or less T-dn C-dn	300-1 700 2	NA NA	Within 7 miles turn right, climb to 1,600 on radial 157° within 25 miles CAUTION: Danger area 5 miles W and prohibited area 6 miles E of missed approach course. NOTE: No communications or weather service available. AGS weather observations made at Bush Field 8 miles SE and 285' below elevation of Daniel Field Air Carrier use not authorized
							More than 2 engines T-dn C-dn		NA NA	
							All aircraft A-dn	NA	NA	
CHARLOTTE, N C Douglas, 748'. BVOR-CLT. Procedure No 1. Amendment—Original. Effective: August 20, 1955.	Charlotte LFR	185—13-0	2,100	E side of course: 188° outbound. 008° inbound. 2 000' within 10 miles	CLT-VOR 1,600 CLT LFR/Z *1,600	008—15 0 008—1 7	2 engines or less T-dn C-dn	300-1 400 1	300-1 500-1	Within 1 7 miles climb to 2 300 on radial 008° or when directed by ATC turn right climb to 2,300' on radial 040° within 25 miles. 1,116' mean sea level tower located 4 miles SE of LFR and 3 miles E of final approach course. If LFR/Z not identified descent below 1,600' not authorized and minima become 900-2
							More than 2 engines T-dn C-dn		200-½ 500-1½	
							All aircraft A-dn	800-2		
ORLANDO, FLA. Orlando Airport, 116' BVOR-ORL Procedure No. 1. February 11, 1954. Major changes: This procedure being superseded by a TVOR procedure.	PROCEDURE CANCELED, AUGUST 20, 1955									

3 The very high frequency omnirange procedures prescribed in § 609 9 (b) are amended to read in part:

TVOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If a TVOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport Initial approaches shall be made over specified routes Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility: class and identification; Procedure No (TVOR); effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft)	Course and distance from int runway center line extended and final course to approach end of run way	Ceiling and visibility minimums			If visual contact not established at TVOR, or if landing not accomplished
							Condition	Type aircraft		
								75 m. p. h or less	More than 75 m p h	
1	2	3	4	5	6	7	8	9	10	11
ORLANDO, FLA. Orlando, 115' BVOR-ORL. TVOR-31. Amendment—Original. Effective: August 20, 1955. Major changes: New procedure	Orlando LFR	217—4 0	1,500	N side of course: 125° outbound. 305 inbound. 1 300' within 10 miles	*500	310—0 5	2 engines or less			Within 0 mile climb to 1,700' on radial 306 within 25 miles. *If ILS-OM not identified on final descent below 700' mean sea level not authorized. CAUTION: Obstruction 319' mean sea level 2 25 miles W of airport
							T-dn	300-1	300-1	
							C-dn	*500-1	*500-1	
							S-dn	*400-1	*400-1	
							A-dn	800 2	800-2	
							More than 2 engines			
							T-dn		200-½	
							C-dn		*500-1½	
							S-dn		*400-1	
							A-dn		800-2	

4 The ground controlled approach procedures prescribed in § 609 13 are amended to read in part:

GCA STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation
If a GCA instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below Positive identification must be established with the ground controller From initial contact with GCA to final authorized landing minimums, the instructions of the GCA controller are mandatory except when (A) visual reference with ground is established on final approach at or before descent to the authorized landing minimums or (B) at pilot's discretion if it appears desirable to discontinue the approach

City and State; airport name, elevation; effective date	Radar terminal area; maneuvering altitudes by sectors and limiting distances	Ceiling and visibility minimums						Except when the ground controller may direct otherwise prior to final approach, a missed approach procedure shall be executed as provided below when (a) communication on final approach is lost for more than 5 seconds; (b) directed by ground controller; (c) visual reference is not established upon descent to the authorized landing minimums; or (d) landing is not accomplished
		Runway No	Condition	Precision approach (PAR)		Surveillance approach (ASR)		
				75 m. p. h or less	More than 75 m p h	75 m. p. h or less	More than 75 m p h	
1	2	3	4	5	6	7	8	9
CINCINNATI, OHIO, Greater Cincinnati, 890' Amendment—Original Effective date: August 20, 1955	From 022° through 105° 2 500 within 30 nautical miles	2 engines or less						
		All	T-dn			300-1	300-1	Runways 4, 36, and 31 climb to 2,300 and proceed to New Baltimore intersection. Runways 9, 13, 18, 22 and 27 climb to 2,000' andproceed to ILS-LOM
	From 105 through 180° to 022°: 2 000' within 15 nautical miles 2,500' within 30 nautical miles	6, 13, 18, 31, 36	S-dn			400-1	400-1	
		22, 27				700-1	700-1	
		6, 13, 18, 31, 36	C-dn			400-1	500-1	
		22, 27				700-1	700-1	
		All	A-dn			800-2	800-2	
		More than 2 engines						
		All	T-dn				200-½	
		6, 13, 18, 31, 36	S-dn				400-1	
		22, 27					700-1	
		6, 13, 18, 31, 36	C-dn				600-1½	
		22, 27					700-1½	
		All..	A-dn				800-2	

These procedures shall become effective on the dates indicated in Column 1 of the procedures

(Sec 205 52 Stat 984, as amended; 49 U S C 425 Interpret or apply sec 601, 52 Stat. 1007, as amended; 49 U S C 551)

[SEAL]

F B LEE,
Administrator of Civil Aeronautics

[F R Doc 55-5858; Filed, July 20, 1955; 8:45 a m]

[Amdt 89]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

MISCELLANEOUS AMENDMENTS

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable The altitudes are adopted without delay in order to provide for safety in air commerce Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required

Part 610 is amended as follows: (Listed items to be placed in appropriate sequence in the sections indicated)

1 Section 610 16 *Green Civil Airway No 6* is amended read in part:

From—	To—	Minimum altitude
Atlanta, Ga (LFR)	Spartanburg, S C (LFR)	2,800

2 Section 610 218 *Red Civil Airway No 18* is amended to delete:

From—	To—	Minimum altitude
Stockwell (INT), Ind	Cincinnati, Ohio (LFR)	2,300

3. Section 610.218 *Red Civil Airway No. 18* is amended by adding:

From—	To—	Minimum altitude
Greenfield (INT), Ind.	Cincinnati, Ohio (LFR).	2,300

4. Section 610.242 *Red Civil Airway No. 42* is amended to delete:

From—	To—	Minimum altitude
Int. SE crs. Rockford, Ill. (LFR) and W crs. Goshen, Ind. (LFR).	Int. SE crs. Rockford, Ill. (LFR) and SE crs. Chicago, Ill. (LFR).	1,900

5. Section 610.609 *Blue Civil Airway No. 9* is amended to delete:

From—	To—	Minimum altitude
Des Moines, Iowa (LFR).	Mason City (INT) Iowa.	2,600
Mason City (INT), Iowa.	Le Roy (INT), Iowa..	2,500
Le Roy (INT), Iowa....	Rochester, Minn. (LFR).	2,500

6. Section 610.6003 *VOR Civil Airway No. 3* is amended by adding:

From—	To—	Minimum altitude
Bangor, Maine (VOR).	Houlton, Maine (VOR).	2,000
Houlton, Maine (VOR).	Presque Isle, Maine (VOR).	2,700

7. Section 610.6004 *VOR Civil Airway No. 4* is amended to read in part:

From—	To—	Minimum altitude
Kansas City Mo. (VOR).	Marshall [1] (INT), Mo..	[2] 3,400
Marshall (INT), Mo.....	Lexington (INT), Mo.	2,400
Lexington (INT), Mo..	Columbia, Mo. (VOR).	[2] 3,400

[1] 4,000'—Minimum reception altitude.
[2] 2,400'—Minimum terrain clearance altitude.

8. Section 610.6010 *VOR Civil Airway No. 10* is amended to read in part:

From—	To—	Minimum altitude
Kansas City, Mo. (VOR).	Polo (INT), Mo.....	2,400
Polo (INT), Mo.....	Chillicothe [1] (INT), Mo.	[2] 3,400
Chillicothe [1] (INT), Mo.	Kirksville, Mo. (VOR)..	[2] 3,400

[1] 4,000'—Minimum reception altitude.
[2] 2,400'—Minimum terrain clearance altitude.

9. Section 610.6012 *VOR Civil Airway No. 12* is amended to read in part:

From—	To—	Minimum altitude
Kansas City, Mo. (VOR).	Marshall [1] (INT), Mo..	[2] 3,400
Marshall (INT), Mo.....	Lexington (INT), Mo.	2,400
Lexington (INT), Mo..	Columbia, Mo. (VOR)	[2] 3,400

[1] 4,000'—Minimum reception altitude.
[2] 2,400'—Minimum terrain clearance altitude.

10. Section 610.6020 *VOR Civil Airway No. 20* is amended to read in part:

From—	To—	Minimum altitude
Atlanta, Ga. (VOR).....	Royston, Ga. (VOR)..	2,700
Royston, Ga. (VOR)...	Spartanburg, S. C. (VOR).	2,300
Greensboro, N. C. (VOR).	Reid [1] (INT), N. C.....	2,300
Reid [1] (INT), N. C.....	South Boston, Va. (VOR).	2,300
South Boston, Va. (VOR).	Flat Rock, Va. (VOR)	2,000

[1] 3,500'—Minimum reception altitude.

11. Section 610.6035 *VOR Civil Airway No. 35* is amended to read in part:

From—	To—	Minimum altitude
Royston, Ga. (VOR)...	Asheville, N. C. (VOR).	6,000

12. Section 610.6039 *VOR Civil Airway No. 39* is amended to read in part:

From—	To—	Minimum altitude
South Boston, Va. (VOR).	Gordonsville, Va. (VOR).	3,000

13. Section 610.6093 *VOR Civil Airway No. 93* is amended by adding:

From—	To—	Minimum altitude
Princeton, Maine (VOR).	Houlton, Maine (VOR).	2,500
Houlton, Maine (VOR).	Presque Isle, Maine (VOR).	2,700

14. Section 610.6097 *VOR Civil Airway No. 97* is amended to read in part:

From—	To—	Minimum altitude
Cross City, Fla. (VOR) [1] via E alter.	Tallahassee, Fla. (VOR) via E alter.	[1] 2,000

[1] 1,500'—Minimum terrain clearance altitude.

15. Section 610.6106 *VOR Civil Airway No. 106* is amended to read in part:

From—	To—	Minimum altitude
Charleston, W. Va. (VOR).	Walnut Grove (INT), W. Va.	3,000
Walnut Grove (INT), W. Va.	Cedarville [1] (INT), W. Va.	[2] 5,000
Cedarville (INT), W. Va.	Morgantown, W. Va. (VOR).	4,000

[1] 5,000'—Minimum reception altitude.
[2] 3,000'—Minimum terrain clearance altitude.

16. Section 610.6115 *VOR Civil Airway No. 115* is amended by adding:

From—	To—	Minimum altitude
Montgomery, Ala. (VOR).	Birmingham, Ala. (VOR).	2,800

17. Section 610.6132 *VOR Civil Airway No. 132* is amended to read in part:

From—	To—	Minimum altitude
Goodland, Kans. (VOR).	Great Bend [1] (INT), Kans.	[2] 8,500
Great Bend (INT), Kans.	Sterling (INT), Kans.	[3] 4,500
Sterling (INT), Kans..	Hutchinson, Kans. (VOR):	
	(Southeast-bound)..	3,000
	(Northwest-bound)..	4,000

[1] 4,500'—Minimum reception altitude.
[2] 5,000'—Minimum terrain clearance altitude.
[3] 3,300'—Minimum terrain clearance altitude.

18. Section 610.6136 *VOR Civil Airway No. 136* is amended to read in part:

From—	To—	Minimum altitude
Penhook (INT), Va.....	South Boston, Va. (VOR).	3,000
South Boston, Va. (VOR).	Raleigh, N. C. (VOR)..	2,000

19. Section 610.6203 *VOR Civil Airway No. 203* is added to read:

From—	To—	Minimum altitude
Albany, N. Y. (VOR).	Sacandaga (INT), N. Y..	
	(Southbound).....	3,000
	(Northbound).....	6,000
Sacandaga (INT), N. Y.	Tupper Lake (INT), N. Y.	[1] 7,000
Tupper Lake [2] (INT), N. Y.	Massena, N. Y (VOR).	4,500

[1] 6,000'—Minimum terrain clearance altitude.
[2] 6,000'—Minimum crossing altitude at Tupper Lake (INT), southbound.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective August 11, 1955.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 55-5856; Filed, July 20, 1955; 8:45 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

[FHA Instruction 402.1]

PART 303—SUPERVISED BANK ACCOUNTS

MISCELLANEOUS AMENDMENTS

1. Subparagraphs (3) (4) and (5) of § 303.2 (b) Title 6, Code of Federal Regulations (20 F. R. 821) are revised to more clearly state the manner in which assignment checks are to be drawn, and to read as follows:

§ 303.2 *Use of supervised bank accounts.* * * *

(b) * * *

(3) Borrowers with either an insured Farm Ownership loan approved after September 17, 1954, or a direct loan will not accumulate income in a supervised bank account for payment on such loans. However, when assignments are taken to make payments on loans and payments on taxes, assessments, property insurance premiums, and maintenance the entire assignment check may be deposited in a supervised bank account. A check on the supervised bank account in the amount to be paid on the Farm Ownership loan will immediately be forwarded to the Finance Office. Checks will be drawn jointly to the order of the borrower and the Farmers Home Administration.

(4) Borrowers with an insured Farm Ownership loan approved on or before September 17, 1954, generally will not deposit income in a supervised bank account as a means of accumulating funds for payment on their loans. However, such borrowers who make small payments frequently should be encouraged to use a supervised bank account to accumulate funds for a substantial payment before such funds are transmitted to the Finance Office, so that remittances to mortgage holders will be less frequent. When such deposits are to be made from the proceeds of assignments of agricultural income, checks may be drawn either jointly to the order of the borrower and the Farmers Home Administration or to the order of the bank in which the supervised bank account is established.

(5) When a borrower agrees to deposit farm income in a supervised bank account he will sign a letter of request. If the County Supervisor believes that an assignment is desirable he will have the borrower and the purchaser sign an original and two copies of Form FHA-80, "Assignments of Proceeds from the Sale of Agricultural Products," or other assignment form approved by the representative of the Office of the General Counsel.

2. Section 303.3, Title 6, Code of Federal Regulations (20 F. R. 821), is revised to permit the County Supervisor to authorize other County Office personnel to execute deposit agreements and to read as follows:

§ 303.3 *Establishing accounts.* While each borrower will be given an opportunity to choose the bank in which his supervised bank account will be established, unless otherwise authorized in writing by the Administrator, supervised bank accounts will be established only in banks whose deposits are insured by the Federal Deposit Insurance Corporation. Ordinarily, a borrower who obtains an insured loan will be expected to establish such account with the lender who furnished the loan funds, if the lender is a local banking institution. In making arrangements with banks, only one supervised bank account will be maintained for any one borrower regardless of the amount or source of funds. For each account, an original and two copies of Form FHA-192 will be executed by the borrower, the bank, and the County Supervisor. Authority to execute Form FHA-192 on behalf of the Government may be redelegated by County Supervisors to persons under their supervision. If an agreement is already in existence and additional funds are to be deposited, a new agreement on Form FHA-192 is not required unless requested by the bank.

(R. S. 161, sec. 41 (1), 60 Stat. 1066, sec. 6 (3), 50 Stat. 870; 5 U. S. C. 22, 7 U. S. C. 1015 (i), 16 U. S. C. 590w (3))

Dated: July 15, 1955.

[SEAL] R. B. MCLEAISH,
Administrator,
Farmers Home Administration.

[F. R. Doc. 55-5928; Filed, July 20, 1955; 8:53 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6304]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

MILSON SALES & COMMISSION CO.

Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition. Wool Products Labeling Act;* § 13.1325 *Source or origin.* Maker or seller, etc.. *Wool Products Labeling Act.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition.* Wool Products Labeling Act; § 13.1900 *Source or origin:* Wool Products Labeling Act. In connection with the introduction or manufacture for introduction into commerce, or offering for sale, sale, transportation, or distribution in commerce, of interlining fabrics or other "wool products" as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain, or in any way are represented as containing "wool", "reprocessed wool", or "reused wool", as those terms are defined in said Act, misbranding such products by: 1. Falsely or deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers included therein; 2. failing to securely affix to or place on each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner: (a) The percentage of the total fiber weight of such wool products, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) such fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers; (b) the maximum percentage of the total weight of such wool products, of any non-fibrous loading, filling, or adulterating matter; and (c) the name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution, or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939; prohibited, subject to the proviso, however, that the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of Section 3 of the Wool Products Labeling Act of 1939; and to the further provision that nothing contained in the order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

(Sec. 6, 38 Stat. 721, 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, secs. 2-5, 54 Stat. 1128-1130; 15 U. S. C. 45, 68-68c) [Cease and desist order, Harry Miller et al. t. a. Milson Sales & Commission Company, New York, N. Y., Docket 6304, July 1, 1955]

In the Matter of Harry Miller Samuel Miller Edwin Allen Miller and Irwin C. Miller Individuals and Copartners, Trading as Milson Sales & Commission Company

This proceeding was heard by John Lewis, hearing examiner, upon the complaint of the Commission which charged respondents with having violated the Wool Products Labeling Act of 1939, the Rules and Regulations promulgated thereunder, and the Federal Trade Commission Act, through the misbranding of certain wool products, including, among other things, certain interlining fabrics falsely labeled or tagged by respondents as containing "100% reused wool", "100% reprocessed wool" or as "80% reused wool" and "20% other fibers" when in fact said interlining fabrics did not contain said proportions of reused wool, reprocessed wool, and other fibers as defined by said Wool Products Labeling Act and the Rules and Regulations; and upon a stipulation which respondents entered into with counsel supporting the complaint, which provided for the entry of a consent order disposing of all the issues in the proceeding and which was submitted to said hearing examiner, theretofore duly designated by the Commission, for his consideration in accordance with Rule V of the Commission's Rules of Practice.

Said stipulation set forth that respondents admitted all the jurisdictional allegations of the complaint and agreed that the record in the matter might be taken as if the Commission had made findings of jurisdictional facts in accordance with such allegations; that all parties expressly waived a hearing before the hearing examiner or the Commission, and all further and other procedure to which the respondents might be entitled under the Federal Trade Commission Act or the Rules of Practice of the Commission; that respondents agreed that the order to cease and desist issued in accordance with said stipulation should have the same force and effect as if made after a full hearing, and specifically waived any and all right, power, or privilege to challenge or contest the validity of said order; that it was stipulated and agreed that the complaint in the matter might be used in construing the terms of the order provided for in said stipulation; and that the signing of said stipulation was for settlement purposes only and did not constitute an admission by respondents that they had violated the law as alleged in the complaint.

Thereafter, the proceeding having come on for final consideration by said hearing examiner on the complaint and aforesaid stipulation for consent order, said hearing examiner made his initial decision in which he set forth the aforesaid matters; his conclusion that said stipulation provided for an appropriate disposition of the proceeding; his acceptance of said stipulation, which he ordered filed as a part of the record in the matter; and his findings for jurisdictional purposes, with respect to said respondents, and the jurisdiction of the Commission over the subject matter of the proceeding and over said respondents; and including his findings that the complaint stated a cause of action against said respondents under the the aforesaid Acts, and that the proceeding was in the interest of the public; and in which he set forth order to cease and desist.

Thereafter said initial decision, including said order, as announced and decreed by "Decision of the Commission and Order to File Report of Compliance" dated June 20, 1955, became, on July 1, 1955, pursuant to § 3.21 of the Commission's Rules of Practice, the decision of the Commission.

Said order to cease and desist is as follows:

It is ordered, That the respondents, Harry Miller, Samuel Miller, Edwin Allen Miller and Irwin C. Miller, individually and as copartners, trading as Milson Sales & Commission Company, or under any other name, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of interlining fabrics or other "wool products" as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain, or in any way are represented as containing "wool," "reprocessed wool" or "reused wool," as those terms are defined in said Act, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers included therein;

2. Failing to securely affix to or place on each such product a stamp, tag, label or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool products, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) such fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers;

(b) The maximum percentage of the total weight of such wool products, of any non-fibrous loading, filling, or adulterating matter;

(c) The name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939.

Provided, That the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of Section 3 of the Wool Products Labeling Act of 1939, and

Provided further That nothing contained in this order shall be construed as limiting any applicable provisions of said Act or the rules and regulations promulgated thereunder.

By said "Decision of the Commission" etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 20, 1955.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 55-5929; Filed, July 20, 1955; 8:53 a. m.]

[Docket 6317]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

WINER MANUFACTURING CO., INC., AND LOUIS WINER

Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition. Wool Products Labeling Act;* § 13.1325 *Source or origin.* Maker or seller, etc.. *Wool Products Labeling Act.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition.* Wool Products Labeling Act; § 13.1900 *Source or origin.* Wool Products Labeling Act. In connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation, or distribution in commerce, of men's jackets or other "wool products" as such products are defined in and are subject to the said Wool Products Labeling Act of 1939, which products contain, purport to contain, or in any manner are represented as containing "wool" "reprocessed wool", or "reused wool", as such terms are defined in said Act, misbranding said products by: 1. Falsely or deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers included therein; 2. failing to securely affix to or place on each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner: (a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers; (b) the maximum percentage of the total weight of such wool product of any nonfibrous loading, filling, or adulterating matter: (c) the name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution, or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939; prohibited, subject to the proviso, however, that the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by Paragraphs (a) and (b) of Section 3 of the Wool Products Labeling Act of 1939; and to the further provision that nothing contained in the order shall be construed as limiting any applicable provisions of said Act or the Rules and Regulations promulgated thereunder.

(Sec. 6, 38 Stat. 721, 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, secs. 2-5, 54 Stat. 1128-1130; 15 U. S. C. 45, 68-68c) [Cease and desist order, Winer Manufacturing Co., Inc., et al., Hammond, Ind., Docket 6317, June 28, 1955]

In the Matter of Winer Manufacturing Co., Inc., a Corporation, and Louis Winer Individually and as an Officer of Said Corporation

This proceeding was heard by James A. Purcell, hearing examiner, upon the complaint of the Commission which charged respondents with violating the provisions of the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, through misbranding certain wool products, including, among other things, certain men's

jackets, falsely labeled or tagged as consisting of "100% Wool" when in fact they were composed of 35% wool and 65% reused wool; and upon a stipulation for consent order which disposed of all the issues in the proceeding and was submitted to the hearing examiner pursuant to an agreement entered into by respondents with counsel supporting the complaint.

Said stipulation set forth that respondents admitted all of the jurisdictional allegatons set forth in the complaint, and agreed that the record in the matter might be taken as if the Commission had made findings of jurisdictional facts in accordance therewith; that all of the parties expressly waived the filing of answer, a hearing before the hearing examiner or the Commission, the making of findings of fact or conclusions of law by the hearing examiner or the Commission, the filing of exceptions and oral argument before the Commission and all other and further procedure before the hearing examiner and the Commission to which the said respondents might otherwise be entitled under the provisions of the aforesaid Acts and the Rules of Practice of the Commission; and that said stipulation was executed for settlement purposes only and did not constitute an admission by said respondents that they had violated the law as alleged in the complaint.

It was further agreed by the respondents that the order contained in the stipulation should have the same force and effect as if made after full hearing, presentation of evidence, and findings and conclusions thereon, and respondents specifically waived any and all right, power, or privilege to challenge or contest the validity of the order entered in accordance with said stipulation, and also agreed that said stipulation, together with the complaint, should constitute the entire record in the proceeding and that the complaint in the matter might be used in construing the terms of the order to be entered, which might be altered, modified, or set aside in the manner provided by the statute for the orders of the Commission.

Thereafter said hearing examiner made his initial decision in which he set forth his conclusion in view of the aforesaid facts, and that the order embodied in said stipulation was identical with the order nisi accompanying the complaint, that acceptance thereof would effectively safeguard the public interest; and, pursuant to the express terms and provisions of said stipulation, found that the proceeding was in the public interest, accepted said stipulation for consent order, and issued order to cease and desist.

Thereafter said initial decision, including said order, as announced and decreed by "Decision of the Commission and Order to File Report of Compliance" dated June 28, 1955, became, on said date, pursuant to § 3.21 of the Commission's Rules of Practice, the decision of the Commission.

Said order to cease and desist is as follows:

It is ordered, That respondent Winer Manufacturing Co., Inc., a corporation, and its officers, and respondent Louis Winer, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of men's jackets or other "wool products," as such products are defined in and are subject to the said Wool Products Labeling Act of 1939, which products contain, purport to contain, or in any manner are represented as containing "wool," "reprocessed wool" or "reused wool," as such terms are defined in said Act, do forthwith cease and desist from misbranding said products by:

1. Falsely or deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers included therein;

2. Failing to securely affix to or place on each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers;

(b) The maximum percentage of the total weight of such wool product of any non-fibrous loading, filling or adulterating matter;

(c) The name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939.

Provided, That the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939: and

Provided further That nothing contained in this order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

By said "Decision of the Commission" etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 28, 1955.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 55-5930; Filed, July 20, 1955; 8:53 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53848]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

PART 5—CUSTOMS RELATIONS WITH CONTIGUOUS FOREIGN TERRITORY

EQUIPMENT AND REPAIRS TO AMERICAN VESSELS

Sections 4.7 (b) (2), 4.14 (a) and 5.3 (a), Customs Regulations, relating to certification of equipment and repairs to American vessels in foreign ports, amended.

The Bureau has approved a suggestion that customs Form 3415 (Certificate Covering Equipment Purchased For, Or Repairs Made To, American Vessel While At Foreign Ports) and customs Form 3417 (Affidavit To The Effect That No Equipment Or Supplies Were Purchased For, Or Repairs Made To, American Vessel While At Foreign Ports) be consolidated into one form, customs Form 3415.

Accordingly, the Customs Regulations are hereby amended as follows:

1. Section 4.7 (b) (2) is amended to read as follows:

§ 4.7 *Inward foreign manifest; production on demand; contents and form.* * * *

(b) * * *

(2) The master of a vessel documented under the laws of the United States to engage in the foreign or coasting trade, or intended to be employed in such trade, at each port of first arrival from a foreign country shall declare on customs Form 3415 any equipment, repair part, or material purchased for the vessel, or any expense for repairs incurred, in a foreign country, 16b within the purview of section 466, Tariff Act of 1930, as amended. If no equipment has been purchased or repairs made, a declaration to that effect shall be made on customs Form 3415. The declaration shall be ready for production on demand and for inspection by the boarding officer, and shall be presented with the original manifest when formal entry of the vessel is made.

(R. S. 161, 251, secs. 2, 3, 23 Stat. 118, as amended, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624, 46 U. S. C. 2, 3. Interprets or applies secs. 431, 439, 465, 581, 583, 46 Stat. 710, as amended, 712, as amended, 747, as amended, 748; 19 U. S. C. 1431, 1439, 1465, 1581, 1583)

2. Section 4.14 (a) is amended by deleting "certificate" and substituting therefor "declaration"

(Sec. 161, 251, secs. 2, 3, 23 Stat. 118, as amended, 119, as amended, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624, 46 U. S. C. 2, 3. Interprets or applies R. S. 3114, as amended, 3115, as amended, sec. 498, 46 Stat. 728, as amended; 19 U. S. C. 257, 258, 1498)

3. Section 5.3 (a) is amended by substituting "submitted" for "certified" in the first sentence thereof and by revising the second sentence to read as follows: "If no equipment has been purchased or repairs made, a declaration to that effect shall be made on customs Form 3415."

(R. S. 251, sec. 624, 46 Stat. 759; 19 U. S. C. 66, 1624. Interprets or applies sec. 465, 46 Stat. 718; 19 U. S. C. 1465)

The foregoing amendments of §§ 4.7 (b) (2), 4.14 (a) and 5.3 (a) which contemplate the use of revised customs Form 3415 and the discontinuance of the use of customs Form 3417, shall become effective when revised Form 3415 is issued.

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: July 14, 1955.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 55-5920; Filed, July 20, 1955; 8:51 a. m.]

[T. D. 53845]

PART 8—LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

EVIDENCE OF RIGHT TO MAKE ENTRY; CONSOLIDATED SHIPMENTS

Section 8.6 (d) Customs Regulations, concerning entry of consolidated shipments, amended.

As a result of the continuing study to simplify procedures, the Bureau has decided that the modification of the consumption entry form (customs Form 7501) and the warehouse or rewarehouse entry form (customs Form 7502) to incorporate therein a consignee's authority to make a separate entry for a portion of a consolidated shipment would be advantageous to both the consignee of the consolidated shipment and the Government, and the two forms are being so revised.

Accordingly, the provisions of the Customs Regulations, concerning the filing of separate entries for the portions of a consolidated shipment for various ultimate consignees, require amendment to authorize the use of customs Form 7501 or 7502, as they are now being revised, as a consignee's authority to make a separate entry for a portion of a consolidated shipment. Therefore, § 8.6 (d) of the Customs Regulations is amended as follows:

1. Subparagraph (3) is amended by changing the initial letter in the first word to lower case and inserting the following at the beginning of that sentence: "Except when an authority to make entry for a portion of a consolidated shipment is executed on the entry form in the space provided therefor,"

2. Subparagraph (4) is amended to read:

(4) When a certificate on a separate document as described in subparagraph (3) is presented, it shall be compared with the supporting document and after being initialed by the entry clerk shall be returned to the consignee for transmittal to the person who will make entry. When an entry is received having executed thereon in the space provided therefor an authority to make entry for a portion of a consolidated shipment, such authority shall be compared with the supporting document.

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624. Interprets or applies sec. 484, 46 Stat. 722, as amended; 19 U. S. C. 1484)

This amendment shall be effective as soon as customs Forms 7501 and 7502, revised as indicated, have been reprinted and distributed. Authority is hereby granted for the use of the present issues of both entry forms by importers and brokers until their supplies are exhausted.

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: July 14, 1955.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 55-5918; Filed, July 20, 1955; 8:51 a. m.]

[T. D. 53846]

PART 8—LIABILITY FOR DUTIES: ENTRY OF IMPORTED MERCHANDISE

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

WESTERN WHITE SPRUCE—ENGELMANN SPRUCE

Regulations governing procedure to be followed with respect to importations of Western white spruce or Engelmann spruce, claimed to be exempt from import tax under section 4553, Internal Revenue Code of 1954; Parts 8 and 10, Customs Regulations, amended.

In order to simplify the procedure and to insure uniformity in the form of declaration required at the various ports of entry in connection with importations of Western white spruce and Engelmann spruce, § 8.13 (h) and Part 10, Customs Regulations, are hereby amended as follows:

1. Section 8.13 (h) is hereby amended as follows:

a. The second item of "Lumber" in the list of merchandise subject to special invoicing requirements is amended to read:

Lumber, Northern white pine (pinus strobus), and Norway pine (pinus resinosa), for which exemption is claimed under sec. 4553, I. R. C., from the import tax prescribed by sec. 4551, I. R. C.

b. The list of Treasury decisions opposite said item is amended by deleting "51604," and by adding a comma, the number of this decision, and ", § 10.109 (a)"

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

2. Part 10 is amended by adding at the end thereof the following new centerhead and section:

WESTERN WHITE SPRUCE—ENGELMANN SPRUCE

§ 10.109 *Western white spruce; Engelmann spruce.* (a) There shall be filed in connection with each entry of lumber claimed to be exempt as Western white spruce or Engelmann spruce under the provisions of section 4553, I. R. C.,[101] from the import tax imposed by section 4551,[102] a declaration of the shipper or other person having knowledge of the facts in the following form:

I, having knowledge of the facts, declare that insofar as claim for exemption from the import tax imposed by section 4551, Internal Revenue Code of 1954, is concerned, the shipment of lumber contained in car number(s) _____ covered by the invoice of _____, dated _____, (Seller or consignor) consists of lumber generally bought, sold, and described in the United States, as stated below, (1) as Western white spruce, (2) as Engelmann spruce, or (3) consists of both such lumbers. So far as the shipment consists of lumber cut from stands subjected to lumbering operations on May 28, 1938, and claimed to be Western white spruce free of import tax under section 4553, Internal Revenue Code of 1954, it is lumber of a kind which as of that date was generally bought, sold, and described in the United States as Western white spruce. Any part of the shipment consisting of lumber cut from stands not yet subjected to lumbering operations on May 28, 1938, and claimed to be Western white spruce free of import tax under section 4553, Internal Revenue Code of 1954, is lumber of a kind which from the commencement of lumbering operations in the stands in which it was cut has been generally bought, sold, and described in the United States as Western white spruce and possesses the character of the lumber which on May 28, 1938, was generally bought, sold, and described in the United States as Western white spruce. Insofar as the shipment consists of lumber claimed to be Engelmann spruce free of import tax under section 4553, Internal Revenue Code of 1954, it is lumber of a kind which as of September 27, 1950, was generally bought, sold, and described in the United States as Engelmann spruce.

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624. Interprets or applies sec 481, 46 Stat. 719, secs. 4551, 4553, 68A Stat. 542; 26 U. S. C. 4551, 4553)

3. Footnotes are appended to § 10.109 (a) as follows:

[101] "The tax imposed by section 4551 shall not apply to lumber of Northern white pine (pinus strobus), Norway pine (pinus resinosa), Western white spruce, and Engelmann spruce." (26 U. S. C. 4553)

[102] "In addition to any tax or duty imposed by law, there is hereby imposed upon the following articles imported into the United States, unless treaty provisions of the United States otherwise provide, a tax at the rates specified. * * *

"(1) *In General.* Lumber, rough or planed or dressed on one or more sides, except flooring made of maple (other than Japanese maple), birch, or beech, $3 per 1,000 feet, board measure. * * *" (26 U. S. C. 4551)

The declaration set forth is also applicable to lumber claimed to be exempt as Western white spruce lumber or Engelmann spruce lumber from import tax under the provisions of section 3424 (a) I. R. C. 1939, as amended by Public Law 852, 81st Congress, approved September 27, 1950. The prescribed declaration is not required in connection with previous entries where the collector is satisfied that the evidence of record meets the requirements of the regulation.

The information now available to the Bureau indicates that the importer or another person in the United States should be in a position to execute the declaration in proper cases if the foreign shipper is not personally informed as to the existence of a common or commercial designation of the lumber in the United States.

T. D. 49643 (8) as modified by T. D. 52620, is hereby revoked insofar as it pertains to Western white spruce and Engelmann spruce lumber.

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: July 14, 1955.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 55-5919; Filed, July 20, 1955; 8:51 a. m.]

[T. D. 53844]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

ADMINISTRATIVE EXEMPTIONS

Articles which may be admitted free under the provisions of section 321, Tariff Act of 1930, as amended. Section 10.21 (i) of the Customs Regulations, amended.

In order to clarify the provisions for admitting merchandise free of duty and tax under section 321, Tariff Act of 1930, as amended (19 U. S. C. 1321) § 10.21 (i) of the Customs Regulations is hereby amended by changing the period at the end of the first sentence to a comma and adding: "and except that such exemption under section 321 (a) (2) (B) shall not be applied to any article subject to internal-revenue tax in addition to any exemption allowed such articles under § 23.4 of this chapter."

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624. Interprets or applies sec. 7, 52 Stat. 1081, as amended, 19 U. S. C. 1321)

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: July 14, 1955.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 55-5917; Filed, July 20, 1955; 8:51 a. m.]

TITLE 50—WILDLIFE

Chapter III—International Regulatory Agencies (Fishing and Whaling)

Subchapter B—International Whaling Commission

PART 351—WHALING

Basis and purposes. Section 13 of the Whaling Convention Act of 1949 (64 Stat. 421, 425; 16 U. S. C., 1952 ed., 916k), the legislation implementing the International Convention for the Regulation of Whaling signed at Washington December 2, 1946, by the United States of America and certain other Governments, provides that regulations of the International Whaling Commission shall be submitted for publication in the FEDERAL REGISTER by the Secretary of the Interior. Regulations of the Commission are defined to mean the whaling regulations in the schedule annexed to and constituting a part of the Convention in their original form or as modified, revised, or amended by the Commission. The provisions of the whaling regulations, as originally embodied in the schedule annexed to the Convention, have been amended several times by the International Whaling Commission, the last amendments having been made in July 1954. These amendments became effective with respect to all persons and vessels subject to the jurisdiction of the United States on November 8, 1954. The whaling regulations, as last amended in July 1954, have been edited to conform the numbering, internal references, and similar items to regulations of the Administrative Committee of the Federal Register but no changes have been made in the substantive provisions. The provisions of these regulations are applicable to nationals and whaling enterprises of the United States.

Amendments to the whaling regulations are adopted by the International Whaling Commission pursuant to Article V of the Convention without regard to the notice and public procedure requirements of the Administrative Procedure Act (5 U. S. C. 1001) Accordingly, in fulfillment of the duty imposed upon the Secretary of the Interior by Section 13 of the Whaling Convention Act of 1949, the whaling regulations published as Part 351, Title 50, Code of Federal Regulations, as the same appeared in 17 F. R. 7861, August 28, 1952, are amended and republished to read as follows:

Sec.

AUTHORITY: §§ 351.1 to 351.18 issued under 64 Stat. 421-425; 16 U. S. C. 916-916l.

§ 351.1 *Inspection.* (a) There shall be maintained on each factory ship at least two inspectors of whaling for the purpose of maintaining twenty-four hour inspection. These inspectors shall be appointed and paid by the Government having jurisdiction over the factory ship.

(b) Adequate inspection shall be maintained at each land station. The inspectors serving at each land station shall be appointed and paid by the Government having jurisdiction over the land station.

§ 351.2 *Killing of gray or right whales prohibited.* It is forbidden to take or kill gray whales or right whales, except when the meat and products of such whales are to be used exclusively for local consumption by the aborigines.

§ 351.3 *Killing of calves or suckling whales prohibited.* It is forbidden to take or kill calves or suckling whales or female whales which are accompanied by calves or suckling whales.

§ 351.4 *Operation of factory ships limited.* It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill baleen whales in any of the following areas:

(a) In the waters north of 66° North Latitude except that from 150° East Longitude eastwards as far as 140° West Longitude the taking or killing of baleen whales by a factory ship or whale catcher shall be permitted between 66° North Latitude and 72° North Latitude;

(b) In the Atlantic Ocean and its dependent waters north of 40° South Latitude;

(c) In the Pacific Ocean and its dependent waters east of 150° West Longitude between 40° South Latitude and 35° North Latitude;

(d) In the Pacific Ocean and its dependent waters west of 150° West Longitude between 40° South Latitude and 20° North Latitude;

(e) In the Indian Ocean and its dependent waters north of 40° South Latitude.

§ 351.5 *Closed area for factory ships in Antarctic.* It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill baleen whales in the waters south of 40° South Latitude from 70° West Longitude westward as far as 160° West Longitude.

§ 351.6 *Limitations on the taking of humpback whales.* (a) It is forbidden to kill or attempt to kill humpback whales in the North Atlantic Ocean for a period of 5 years.

(b) It is forbidden to kill or attempt to kill humpback whales in the waters south of 40° South Latitude between 0° Longitude and 70° West Longitude for a period of 5 years.

(c) It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill humpback whales in any waters south of 40° South Latitude except on the 1st, 2d, 3d and 4th February in any year.

§ 351.7 *Closed seasons for pelagic whaling for baleen and sperm whales.* (a) It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill

baleen whales (excluding minke whales) in any waters south of 40° South Latitude, except during the period from 7th January, to 7th April, following, both days inclusive; and no such whale catcher shall be used for the purpose of killing or attempting to kill blue whales before the 21st January in any year.

(b) It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill sperm or minke whales, except as permitted by the Contracting Governments in accordance with paragraphs (c) (d) and (e) of this section.

(c) Each Contracting Government shall declare for all factory ships and whale catchers attached thereto under its jurisdiction, one continuous open season not to exceed eight months out of any period of twelve months during which the taking or killing of sperm whales by whale catchers may be permitted: *Provided,* That a separate open season may be declared for each factory ship and the whale catchers attached thereto.

(d) Each Contracting Government shall declare for all factory ships and whale catchers attached thereto under its jurisdiction one continuous open season not to exceed six months out of any period of twelve months during which the taking or killing of minke whales by the whale catchers may be permitted: *Provided,* That:

(1) A separate open season may be declared for each factory ship and the whale catchers attached thereto;

(2) The open season need not necessarily include the whole or any part of the period declared for other baleen whales pursuant to paragraph (a) of this section.

(e) Each Contracting Government shall declare for all whale catchers under its jurisdiction not operating in conjunction with a factory ship or land station one continuous open season not to exceed six months out of any period of twelve months during which the taking or killing of minke whales by such whale catchers may be permitted.

§ 351.8 *Catch quota for baleen whales.* (a) The number of baleen whales taken during the open season caught in any waters south of 40° South Latitude by whale catchers attached to factory ships under the jurisdiction of the Contracting Governments shall not exceed fifteen thousand five hundred blue-whale units.

(b) For the purposes of paragraph (a) of this section, blue-whale units shall be calculated on the basis that one blue whale equals—

(1) Two fin whales or

(2) Two and a half humpback whales or

(3) Six sei whales.

(c) Notification shall be given in accordance with the provisions of Article VII of the Convention, within two days after the end of each calendar week, of data on the number of blue-whale units taken in any waters south of 40° South Latitude by all whale catchers attached to factory ships under the jurisdiction of each Contracting Government: *Provided,* That when the number of blue-whale units is deemed by the Bureau of International Whaling Statistics to have reached 14,000, notification shall be given as aforesaid at the end of each day of data on the number of blue-whale units taken.

(d) If it appears that the maximum catch of whales permitted by paragraph (a) of this section may be reached before 7th April of any year, the Bureau of International Whaling Statistics shall determine, on the basis of the data provided, the date on which the maximum catch of whales shall be deemed to have been reached and shall notify the master of each factory ship and each Contracting Government of that date not less than four days in advance thereof. The killing or attempting to kill baleen whales by whale catchers attached to factory ships shall be illegal in any waters south of 40° South Latitude after midnight of the date so determined.

(e) Notification shall be given in accordance with the provisions of Article VII of the Convention of each factory ship intending to engage in whaling operations in any waters south of 40° South Latitude.

§ 351.9 *Minimum size limits.* (a) It is forbidden to take or kill any blue, sei or humpback whales below the following lengths:

Blue whales 70 feet (21.3 metres),
Sei whales 40 feet (12.2 metres),
Humpback whales 35 feet (10.7 metres),

Except that blue whales of not less than 65 feet (19.8 metres) and sei whales of not less than 35 feet (10.7 metres) in length may be taken for delivery to land stations: *Provided,* That the meat of such whales is to be used for local consumption as human or animal food.

(b) It is forbidden to take or kill any fin whales below 57 feet (17.4 metres) in length for delivery to factory ships or land stations in the Southern Hemisphere, and it is forbidden to take or kill fin whale below 55 feet (16.8 metres) for delivery to factory ships or land stations in the Northern Hemisphere; except that fin whales of not less than 55 feet (16.8 metres) may be taken for delivery to land stations in the Southern Hemisphere and fin whales of not less than 50 feet (15.2 metres) may be taken for delivery to land stations in the Northern Hemisphere provided in each case that the meat of such whales is to be used for local consumption as human or animal food.

(c) It is forbidden to take or kill any sperm whales below 38 feet (11.6 metres) in length, except that sperm whales of not less than 35 feet (10.7 metres) in length may be taken for delivery to land stations.

(d) Whales must be measured when at rest on deck or platform, as accurately as possible by means of a steel tape measure fitted at the zero end with a spiked handle which can be stuck into the deck planking abreast of one end of the whale. The tape measure shall be stretched in a straight line parallel with the whale's body and read abreast the other end of the whale. The ends of the whale, for measurement purposes, shall be the point of the upper jaw and the notch between the tail flukes. Measurements, after being accurately read on the tape measure, shall be logged to the nearest foot, that is to say, any whale between 75 feet 6 inches and 76 feet 6 inches shall be logged as 76 feet, and any whale between 76 feet 6 inches and 77 feet 6 inches shall be logged as 77 feet. The measurement of any whale which falls on an exact half foot shall be logged at the next half foot, e. g., 76 feet 6 inches precisely, shall be logged as 77 feet.

§ 351.10 *Closed seasons for land stations.* (a) It is forbidden to use a whale catcher attached to a land station for the purpose of killing or attempting to kill baleen and sperm whales except as permitted by the Contracting Government in accordance with paragraphs (b), (c) and (d) of this section.

(b) Each Contracting Government shall declare for all land stations under its jurisdiction, and whale catchers attached to such land stations, one open season during which the taking or killing of baleen (excluding minke) whales by the whale catchers shall be permitted. Such open season shall be for a period of not more than six consecutive months in any period of twelve months and shall apply to all land stations under the jurisdiction of the Contracting Government: *Provided,* That a separate open season may be declared for any land station used for the taking or treating of baleen (excluding minke) whales which is more than 1,000 miles from the nearest land station used for the taking or treating of baleen (excluding minke) whales under the jurisdiction of the same Contracting Government.

(c) Each Contracting Government shall declare for all land stations under its jurisdiction and for whale catchers attached to such land stations, one open season not to exceed eight continuous months in any one period of twelve months, during which the taking or killing of sperm whales by the whale catchers shall be permitted, such period of eight months to include the whole of the period of six months declared for baleen whales (excluding minke whales) as provided for in paragraph (b) of this section: *Provided,* That a separate open season may be declared for any land station used for the taking or treating of sperm whales which is more than 1,000 miles from the nearest land station used for the taking or treating of sperm whales under the jurisdiction of the same Contracting Government.

(d) Each Contracting Government shall declare for all land stations under its jurisdiction and for whale catchers attached to such land stations one open season not to exceed six continuous months in any period of twelve months during which the taking or killing of minke whales by the whale catchers shall be permitted (such period not being necessarily concurrent with the period declared for other baleen whales, as provided for in paragraph (b) of this section) *Provided,* That a separate open season may be declared for any land station used for the taking or treating of minke whales which is more than 1,000 miles from the nearest land station used for the taking or treating of minke whales under the jurisdiction of

the same Contracting Government; except that a separate open season may be declared for any land station used for the taking or treating of minke whales which is located in an area having oceanographic conditions clearly distinguishable from those of the area in which are located the other land stations used for the taking or treating of minke whales under the jurisdiction of the same Contracting Government; but the declaration of a separate open season by virtue of the provisions of this paragraph shall not cause thereby the period of time covering the open seasons declared by the same Contracting Government to exceed nine continuous months of any twelve months.

(e) The prohibitions contained in this section shall apply to all land stations as defined in Article II of the Whaling Convention of 1946 and to all factory ships which are subject to the regulations governing the operation of land stations under the provisions of § 351.17.

§ 351.11 *Use of factory ships in waters other than south of 40° South Latitude.* It is forbidden to use a factory ship which has been used during a season in any waters south of 40° South Latitude for the purpose of treating baleen whales, in any other area for the same purpose within a period of one year from the termination of that season.

§ 351.12 *Limitations on processing of whales.* (a) It is forbidden to use a factory ship or a land station for the purpose of treating any whales (whether or not killed by whale catchers under the jurisdiction of a Contracting Government) the killing of which by whale catchers under the jurisdiction of a Contracting Government is prohibited by the provisions of §§ 351.2, 351.4, 351.5, 351.6, 351.7, 351.8 or 351.10.

(b) All other whales (except minke whales) taken shall be delivered to the factory ship or land station and all parts of such whales shall be processed by boiling or otherwise, except the internal organs, whale bone and flippers of all whales, the meat of sperm whales and of parts of whales intended for human food or feeding animals.

(c) Complete treatment of the carcases of "Dauhval" and of whales used as fenders will not be required in cases where the meat or bone of such whales is in bad condition.

§ 351.13 *Prompt processing required.* (a) The taking of whales for delivery to a factory ship shall be so regulated or restricted by the master or person in charge of the factory ship that no whale carcass (except of a whale used as a fender, which shall be processed as soon as is reasonably practicable) shall remain in the sea for a longer period than thirty-three hours from the time of killing to the time when it is hauled up for treatment.

(b) Whales taken by all whale catchers, whether for factory ships or land stations, shall be clearly marked so as to identify the catcher and to indicate the order of catching.

(c) All whale catchers operating in conjunction with a factory ship shall report by radio to the factory ship:

(1) The time when each whale is taken,

(2) Its species, and

(3) Its marking effected pursuant to paragraph (b) of this section.

(d) The information reported by radio pursuant to paragraph (c) of this section shall be entered immediately in a permanent record which shall be available at all times for examination by the whaling inspectors; and in addition there shall be entered in such permanent record the following information as soon as it becomes available:

(1) Time of hauling up for treatment,

(2) Length, measured pursuant to § 351.9 (d),

(3) Sex,

(4) If female, whether milk-filled or lactating,

(5) Length and sex of foetus, if present, and

(6) A full explanation of each infraction.

(e) A record similar to that described in paragraph (d) of this section shall be maintained by land stations, and all of the information mentioned in the said paragraph shall be entered therein as soon as available.

§ 351.14 *Remuneration of employees.* Gunners and crews of factory ships, land stations, and whale catchers, shall be engaged on such terms that their remuneration shall depend to a considerable extent upon such factors as the species, size and yield of whales taken and not merely upon the number of the whales taken. No bonus or other remuneration shall be paid to the gunners or crews of whale catchers in respect of the taking of milk-filled or lactating whales.

§ 351.15 *Submission of laws and regulations.* Copies of all official laws and regulations relating to whales and whaling and changes in such laws and regulations shall be transmitted to the Commission.

§ 351.16 *Submission of statistical data.* Notification shall be given in accordance with the provisions of Article VII of the Convention with regard to all factory ships and land stations of statistical information (a) concerning the number of whales of each species taken, the number thereof lost, and the number treated at each factory ship or land station, and (b) as to the aggregate amounts of oil of each grade and quantities of meal, fertilizer (guano) and other products derived from them, together with (c) particulars with respect to each whale treated in the factory ship or land station as to the date and approximate latitude and longitude of taking, the species and sex of the whale, its length and, if it contains a foetus, the length and sex, if ascertainable, of the foetus. The data referred to in paragraphs (a) and (c) of this section shall be verified at the time of the tally and there shall also be notification to the Commission of any information which may be collected or obtained concerning the calving grounds and migration routes of whales. In communicating this information there shall be specified:

(1) The name and gross tonnage of each factory ship;

(2) The number and aggregate gross tonnage of the whale catchers;

(3) A list of the land stations which were in operation during the period concerned.

§ 351.17 *Factory ship operations within territorial waters.* (a) A factory ship which operates solely within territorial waters in one of the areas specified in paragraph (c) of this section, by permission of the Government having jurisdiction over those waters, and which flies the flag of that Government shall, while so operating, be subject to the regulations governing the operation of land stations and not to the regulations governing the operation of factory ships.

(b) Such factory ship shall not, within a period of one year from the termination of the season in which she so operated, be used for the purpose of treating baleen whales in any of the other areas specified in paragraph (c) of this section or south of 40° South Latitude.

(c) The areas referred to in paragraphs (a) and (b) of this section are:

(1) On the coast of Madagascar and its dependencies:

(2) On the west coasts of French Africa:

(3) On the coasts of Australia, namely on the whole east coast and on the west coast in the area known as Shark Bay and northward to North-west Cape and including Exmouth Gulf and King George's Sound, including the Port of Albany.

§ 351.18 *Definitions.* The following expressions have the meanings respectively assigned to them, that is to say:

"Baleen whale" means any whale which has baleen or whale bone in the mouth, i. e., any whale other than a toothed whale,

"Blue whale" (Balaenoptera or Sibbaldus musculus) means any whale known by the name of blue whale, Sibbald's rorqual, or sulphur bottom,

"Dauhval" means any unclaimed dead whale found floating,

"Fin whale" (Balaenoptera physalus) means any whale known by the name of common finback, common rorqual, finback, finner, fin whale, herring whale, razorback, or true fin whale,

"Gray whale" (Rhachianectes glaucus) means any whale known by the name of gray whale, California gray, devil fish, hard head, mussel digger, gray back or rip sack,

"Humpback whale" (Megaptera nodosa or novaeangliae) means any whale known by the name of bunch, humpback, humpback whale, humpbacked whale, hump whale or hunchbacked whale,

"Minke whale" (Balaenoptera acutorostrata, B. Davidsoni, B. huttoni) means any whale known by the name of lesser rorqual, little piked whale, minke whale, pike-headed whale or sharp headed finner,

"Right whale" (Balaena mysticetus; Eubalaena glacialis, E. australis, etc., Neobalaena marginata) means any whale known by the name of Atlantic right whale, Arctic right whale, Bisca-

yan right whale, bowhead, great polar whale, Greenland right whale, Greenland whale, Nordkaper, North Atlantic right whale, North Cape whale, Pacific right whale, pigmy right whale, Southern pigmy right whale, or Southern right whale,

"Sei whale" (Balaenoptera borealis) means any whale known by the name of sei whale, Rudolphi's rorqual, pollack whale, or coalfish whale and shall be taken to include Bryde's whale (B. brydei)

"Sperm whale" (Physeter catodon) means any whale known by the name of sperm whale, spermacet whale, cachalot or pot whale,

"Toothed whale" means any whale which has teeth in the jaws.

"Whales taken" means whales that have been killed and either flagged or made fast to catchers.

Dated: July 14, 1955.

DOUGLAS MCKAY,
Secretary of the Interior

[F. R. Doc. 55-5901; Filed, July 20, 1955; 8:47 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 146e—CERTIFICATION OF BACITRACIN AND BACITRACIN-CONTAINING DRUGS

BACITRACIN OINTMENT

By virtue of the authority vested in the Secretary of Health, Education, and Welfare by the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 507, 59 Stat. 463, as amended by 61 Stat. 11, 63 Stat. 409, 67 Stat. 389; sec. 701, 52 Stat. 1055; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F R. 1996), the regulations for the certification of bacitracin and bacitracin-containing drugs (21 CFR, 1953 Supp., Part 146e; 19 F R. 1141, 1377, 2481) are amended as indicated below:

Section 146e.402 *Bacitracin ointment* * * * is amended in the following respects:

1. Paragraph (a) *Standards of identity* * * * the words "cortisone, hydrocortisone, or a suitable ester of cortisone or hydrocortisone," are changed to read "cortisone or a suitable derivative of cortisone,"

2. In paragraph (c) *Labeling* subparagraph (2) is amended by changing the words "it contains cortisone, hydrocortisone, or an ester of cortisone or hydrocortisone" to read "it contains cortisone or a derivative of cortisone,"

3. In paragraph (c) (4) the words "contains cortisone, hydrocortisone, or an ester of cortisone or hydrocortisone," are changed to read "contains cortisone or a derivative of cortisone"

4. In paragraph (d) *Requests for certification* * * * subparagraph (3) (iv) is amended by changing the words "cortisone, hydrocortisone, or an ester of cortisone or hydrocortisone" to read "cortisone or a derivative of cortisone"

5. In paragraph (f) *Exemption of bacitracin ointment* * * * the words "cortisone, hydrocortisone, or an ester of cortisone or hydrocortisone)" are changed to read "cortisone, or a derivative of cortisone)"

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371)

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments set forth above.

This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and affected industry will benefit by the earliest effective date, and I so find.

Dated: July 15, 1955.

[SEAL] GEO. P LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 55-5892; Filed, July 20, 1955; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 1]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

DEDUCTIONS FOR PERSONAL EXEMPTIONS

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Attention: T:P Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917 26 U. S. C. 7805)

[SEAL] T. COLEMAN ANDREWS,
Commissioner of Internal Revenue.

The following regulations are hereby promulgated under part V of subchapter B of chapter 1 of the Internal Revenue Code of 1954, relating to deductions for personal exemptions, and are effective for taxable years beginning after December 31, 1953, and ending after August 16, 1954:

DEDUCTIONS FOR PERSONAL EXEMPTIONS

Sec.
1.151 Statutory provisions; allowance of deductions for personal exemptions.
1.151-1 Deductions for personal exemptions.
1.151-2 Additional exemptions for dependents.
1.151-3 Definitions.
1.152 Statutory provisions; dependent defined.
1.152-1 General definition of a dependent.
1.152-2 Rules relating to general definition of dependent.
1.152-3 Multiple support agreements.
1.153 Statutory provisions; determination of marital status.
1.153-1 Determination of marital status.
1.154 Statutory provisions; cross references.

DEDUCTIONS FOR PERSONAL EXEMPTIONS

§1.151 *Statutory provisions; allowance of deductions for personal exemptions.*

SEC. 151. *Allowance of Deductions for Personal Exemptions.* (a) *Allowance of Deductions.* In the case of an individual, the exemptions provided by this section shall be allowed as deductions in computing taxable income.

(b) *Taxpayer and Spouse.* An exemption of $600 for the taxpayer; and an additional exemption of $600 for the spouse of the taxpayer if a separate return is made by the taxpayer, and if the spouse, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer.

(c) *Additional Exemption for Taxpayer or Spouse Aged 65 or More*—(1) *For taxpayer.* An additional exemption of $600 for the taxpayer if he has attained the age of 65 before the close of his taxable year.

(2) *For spouse.* An additional exemption of $600 for the spouse of the taxpayer if a separate return is made by the taxpayer, and if the spouse has attained the age of 65 before the close of such taxable year, and, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer.

(d) *Additional Exemption for Blindness of Taxpayer or Spouse*—(1) *For taxpayer.* An additional exemption of $600 for the taxpayer if he is blind at the close of his taxable year.

(2) *For spouse.* An additional exemption of $600 for the spouse of the taxpayer if a separate return is made by the taxpayer, and if the spouse is blind and, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer. For purposes of this paragraph, the determination of whether the spouse is blind shall be made as of the close of the taxable year of the taxpayer; except that if the spouse dies during such taxable year such determination shall be made as of the time of such death.

(3) *Blindness defined.* For purposes of this subsection, an individual is blind only if his central visual acuity does not exceed 20/200 in the better eye with correcting lenses, or if his visual acuity is greater than 20/200 but is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees.

(e) *Additional Exemption for Dependents*—(1) *In general.* An exemption of $600 for each dependent (as defined in section 152)—

(A) Whose gross income for the calendar year in which the taxable year of the taxpayer begins is less than $600, or

(B) Who is a child of the taxpayer and who (i) has not attained the age of 19 at the close of the calendar year in which the taxable year of the taxpayer begins, or (ii) is a student.

(2) *Exemption denied in case of certain married dependents.* No exemption shall be allowed under this subsection for any dependent who has made a joint return with his spouse under section 6013 for the taxable year beginning in the calendar year in which the taxable year of the taxpayer begins.

(3) *Child defined.* For purposes of paragraph (1) (B), the term "child" means an individual who (within the meaning of section 152) is a son, stepson, daughter, or stepdaughter of the taxpayer.

(4) *Student and educational institution defined.* For purposes of paragraph (1) (B) (ii), the term "student" means an individual who during each of 5 calendar months during the calendar year in which the taxable year of the taxpayer begins—

(A) Is a full-time student at an educational institution; or

(B) Is pursuing a full-time course of institutional on-farm training under the supervision of an accredited agent of an educational institution or of a State or political subdivision of a State.

For purposes of this paragraph, the term "educational institution" means only an educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on.

§ 1.151–1 *Deductions for personal exemptions*—(a) *In general.* (1) In computing taxable income, an individual is allowed a deduction for the exemptions specified in section 151. Such exemptions are (i) the exemptions for an individual taxpayer and spouse (the so-called personal exemptions) (ii) the additional exemptions for a taxpayer attaining the age of 65 years and spouse attaining the age of 65 years (the so-called old-age exemptions) (iii) the additional exemptions for a blind taxpayer and a blind spouse, and (iv) the exemptions for dependents of the taxpayer.

(2) A nonresident alien individual who is a bona fide resident of Puerto Rico during the entire taxable year and subject to tax under sections 1 or 1201 (b) is allowed as deductions the exemptions specified in section 151, even though as to the United States such individual is a nonresident alien. See section 876, relating to alien residents of Puerto Rico.

(b) *Exemptions for individual taxpayer and spouse (so-called personal exemptions)* Section 151 (b) allows an exemption of $600 for the taxpayer and an additional exemption of $600 for the spouse of the taxpayer if a separate return is made by the taxpayer, and if the spouse, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer. Since, in the case of a joint return, there are two taxpayers (although under section 6013 there is only one income for the two taxpayers on such return—i. e. their aggregate income) two exemptions of $600 are allowed on such return, one for each taxpayer spouse. If in any case a joint return is made by the taxpayer and his spouse, no other person is allowed an exemption for such spouse even though such other person would have been entitled to claim an exemption for such spouse as a dependent if such joint return had not been made.

(c) *Exemptions for taxpayer attaining the age of 65 and spouse attaining the age of 65 (so-called old-age exemptions)* (1) Section 151 (c) provides an additional exemption of $600 for the taxpayer if he has attained the age of 65 before the close of his taxable year. An additional exemption of $600 is also allowed to the taxpayer for his spouse if a separate return is made by the taxpayer and if the spouse has attained the age of 65 before the close of the taxable year of the taxpayer and, for the calendar year in which the taxable year of the taxpayer begins, the spouse has no gross income and is not the dependent of another taxpayer. If a husband and wife make a joint return, an old-age exemption of $600 will be allowed as to each taxpayer spouse who has attained the age of 65 before the close of the taxable year for which the joint return is made. The exemptions under section 151 (c) are in addition to the exemptions for the taxpayer and spouse under section 151 (b)

(2) In determining the age of an individual for the purposes of the exemption for old age, the last day of the taxable year of the taxpayer is the controlling date. Thus, in the event of a separate return by a husband, no additional exemption for old age may be claimed for his spouse unless such spouse has attained the age of 65 on or before the close of the taxable year of the husband. In no event shall the additional exemption for old age be allowed with respect to a spouse who dies before attaining the age of 65 even though such spouse would have attained the age of 65 before the close of the taxable year of the taxpayer. For the purposes of the old-age exemption, an individual attains the age of 65 on the first moment of the day preceding his sixty-fifth birthday. Accordingly, an individual whose sixty-fifth birthday falls on January 1 in a given year attains the age of 65 on the last day of the calendar year immediately preceding.

(d) *Exemptions for the blind.* (1) Section 151 (d) provides an additional exemption of $600 for the taxpayer if he is blind at the close of his taxable year. An additional exemption is also allowed to the taxpayer for his spouse if the spouse is blind and, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer. The determination of whether the spouse is blind shall be made as of the close of the taxable year of the taxpayer, unless the spouse dies during such taxable year, in which case such determination shall be made as of the time of such death.

(2) The exemptions for the blind are in addition to the exemptions for the taxpayer and spouse under section 151 (b) and are also in addition to the exemptions under section 151 (c) for taxpayers and spouses attaining the age of 65 years. Thus, a single individual who has, before the close of his taxable year, attained the age of 65 years and who is blind at the close of his taxable year is entitled, in addition to the so-called personal exemption of $600, to two further exemptions, each of $600, one by reason of his age and the other by reason of his blindness. If a husband and wife make a joint return, an exemption of $600 for the blind will be allowed as to each taxpayer spouse who is blind at the close of the taxable year for which the joint return is made.

(3) A taxpayer claiming an exemption allowed by section 151 (d) for a blind taxpayer or a blind spouse shall, if the individual for whom the exemption is claimed is not totally blind as of the last day of the taxable year of the taxpayer (or in the case of a spouse who dies during such taxable year as of the time of such death) attach to his return a certificate from a physician skilled in the diseases of the eye or a registered optometrist stating that as of the applicable status determination date in the opinion of such physician or optometrist (i) the central visual acuity of the individual for whom the exemption is claimed did not exceed 20/200 in the better eye with correcting lenses or (ii) such individual's visual acuity was accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees. If such individual is totally blind as of the status determination date there shall be attached to the return a statement by the person or persons making the return setting forth such fact.

§ 1.151–2 *Additional exemptions for dependents.* (a) Section 151 (e) allows to a taxpayer an exemption of $600 for each dependent (as defined in section 152) whose gross income (as defined in section 61) for the calendar year in which the taxable year of the taxpayer begins is less than $600, or who is a child of the taxpayer and who:

(1) Has not attained the age of 19 at the close of the calendar year in which the taxable year of the taxpayer begins, or

(2) Is a student, as defined in § 1.151–3 (b).

No exemption shall be allowed under section 151 (e) for any dependent who has made a joint return with his spouse under section 6013 for the taxable year beginning in the calendar year in which the taxable year of the taxpayer begins.

(b) The only exemption allowed for a dependent of the taxpayer is that provided by section 151 (e) The exemptions provided by section 151 (c) (old-age exemptions) and section 151 (d) (exemptions for the blind) are allowed only for the taxpayer or his spouse. For example, where a taxpayer provides the entire support for his father who meets all the requirements of a dependent, he is entitled to only one exemption of $600 for his father under section 151 (e), even though his father is over the age of 65.

§ 1.151–3 *Definitions*—(a) *Child.* For purposes of sections 151 (e), 152, and the regulations thereunder, the term "child" means a son, stepson, daughter,

stepdaughter, adopted son, or adopted daughter of the taxpayer.

(b) *Student.* For purposes of section 151 (e) and section 152 (d) and the regulations thereunder, the term "student" means an individual who during each of 5 calendar months during the calendar year in which the taxable year of the taxpayer begins is a full-time student at an educational institution or is pursuing a full-time course of institutional on-farm training under the supervision of an accredited agent of an educational institution or of a State or political subdivision of a State. An example of "institutional on-farm training" is that authorized by the Veterans' Readjustment Assistance Act of 1952, as described in section 252 of such act. A full-time student is one who is enrolled for some part of 5 calendar months for the number of hours or courses which is considered to be full-time attendance. The 5 calendar months need not be consecutive. School attendance at night in the case of an individual who is regularly employed during the day does not constitute full-time attendance.

(c) *Educational institution.* For purposes of sections 151 (e) and 152, the term "educational institution" means a school maintaining a regular faculty and established curriculum, and having an organized body of students in attendance. It includes primary and secondary schools, colleges, universities, normal schools, technical and mechanical schools, and similar institutions, but does not include noneducational institutions, on-the-job training, correspondence schools, night schools, and so forth.

§ 1.152 *Statutory provisions; dependent defined.*

SEC. 152. *Dependent defined*—(a) *General Definition.* For purposes of this subtitle, the term "dependent" means any of the following individuals over half of whose support, for the calendar year in which the taxable year of the taxpayer begins, was received from the taxpayer (or is treated under subsection (c) as received from the taxpayer)

(1) A son or daughter of the taxpayer, or a descendant of either,

(2) A stepson or stepdaughter of the taxpayer,

(3) A brother, sister, stepbrother, or stepsister of the taxpayer,

(4) The father or mother of the taxpayer, or an ancestor of either,

(5) A stepfather or stepmother of the taxpayer,

(6) A son or daughter of a brother or sister of the taxpayer,

(7) A brother or sister of the father or mother of the taxpayer,

(8) A son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, or sister-in-law of the taxpayer,

(9) An individual who, for the taxable year of the taxpayer, has as his principal place of abode the home of the taxpayer and is a member of the taxpayer's household, or

(10) An individual who—

(A) Is a descendant of a brother or sister of the father or mother of the taxpayer,

(B) For the taxable year of the taxpayer receives institutional care required by reason of a physical or mental disability, and

(C) Before receiving such institutional care, was a member of the same household as the taxpayer.

(b) *Rules Relating to General Definition.* For purposes of this section—

(1) The terms "brother" and "sister" include a brother or sister by the halfblood.

(2) In determining whether any of the relationships specified in subsection (a) or paragraph (1) of this subsection exists, a legally adopted child of an individual shall be treated as a child of such individual by blood.

(3) The term "dependent" does not include any individual who is not a citizen of the United States unless such individual is a resident of the United States, of a country contiguous to the United States, of the Canal Zone, or of the Republic of Panama. The preceding sentence shall not exclude from the definition of "dependent" any child of the taxpayer born to him, or legally adopted by him, in the Philippine Islands before July 5, 1946, if the child is a resident of the Republic of the Philippines, and if the taxpayer was a member of the Armed Forces of the United States at the time the child was born to him or legally adopted by him.

(4) A payment to a wife which is includible in the gross income of the wife under section 71 or 682 shall not be treated as a payment by her husband for the support of any dependent.

(c) *Multiple Support Agreements.* For purposes of subsection (a), over half of the support of an individual for a calendar year shall be treated as received from the taxpayer if—

(1) No one person contributed over half of such support;

(2) Over half of such support was received from persons each of whom, but for the fact that he did not contribute over half of such support, would have been entitled to claim such individual as a dependent for a taxable year beginning in such calendar year;

(3) The taxpayer contributed over 10 percent of such support; and

(4) Each person described in paragraph (2) (other than the taxpayer) who contributed over 10 percent of such support files a written declaration (in such manner and form as the Secretary or his delegate may by regulations prescribe) that he will not claim such individual as a dependent for any taxable year beginning in such calendar year.

(d) *Special support test in case of students.* For purposes of subsection (a), in the case of any individual who is—

(1) A son, stepson, daughter, or stepdaughter of the taxpayer (within the meaning of this section), and

(2) A student (within the meaning of section 151 (e) (4)), amounts received as scholarships for study at an educational institution (as defined in section 151 (e) (4)) shall not be taken into account in determining whether such individual received more than half of his support from the taxpayer.

§ 1.152–1 *General definition of a dependent.* (a) (1) For the purposes of the income taxes imposed on individuals by the Internal Revenue Code of 1954, the term "dependent" means any individual described in paragraphs (1) through (10) of section 152 (a) over half of whose support, for the calendar year in which the taxable year of the taxpayer begins, was received from the taxpayer.

(2) Whether or not over half of an individual's support, for the calendar year in which the taxable year of the taxpayer begins, was received from the taxpayer shall be determined by reference to the amount of expense incurred by the taxpayer and by others for such support. In computing the amount which is expended for the support of an individual there must be included any income of such individual which is expended for his own support, including income which is ordinarily excludable from gross income, such as benefits received under the Social Security Act. For example, a father receives $800 from Social Security benefits, $400 interest, and $1000 from his son during 1955, all of which sums are used for his support during that year. The fact that the Social Security benefits of $800 are not includible in the father's gross income does not prevent such amount from entering into the computation of the total expenditures used for his support. Consequently, since the son's contribution of $1000 was less than one half of the father's support ($2200) he may not claim his father as a dependent.

(3) The term "dependent" does not include the spouse of a taxpayer.

(b) Section 152 (a) (9) applies only to an individual who lives with the taxpayer and is a member of the taxpayer's household during the entire taxable year. It is not necessary under section 152 (a) (9) that the dependent be related to the taxpayer. For example, foster children and children awaiting adoption may qualify as dependents. It is necessary, however, that the taxpayer both maintain and occupy the household. The taxpayer and dependent will be considered as occupying the household for such entire taxable year notwithstanding temporary absences from the household due to special circumstances. A nonpermanent failure to occupy the common abode by reason of illness, education, or vacation shall be considered temporary absence due to special circumstances. The fact that the dependent dies during the year shall not deprive the taxpayer of the deduction if the dependent lived in the household for the entire part of the year preceding his death. Likewise, the period during the taxable year preceding the birth of an individual shall not prevent such individual from qualifying as a dependent under section 152 (a) (9).

(c) In the case of a child of the taxpayer who is under 19 or is a student, the taxpayer may claim the exemption provided he has furnished more than one half of the support of such child for the calendar year in which the taxable year of the taxpayer begins, even though the income of the child for the taxable year may be $600 or more. In determining whether the taxpayer does in fact furnish more than one half of such support, in the case of an individual who is a child, as defined in § 1.151–3 (a), of the taxpayer and who is a student, as defined in § 1.151–3 (b), a special rule regarding scholarships applies. Amounts received as scholarships, as defined in section 117 and the regulations thereunder, for study at an educational institution shall not be considered in determining whether the taxpayer furnishes more than one-half the support of such individual. For example, A has a child who receives a $1,000 scholarship to the X college for one year. A contributes $500, which constitutes the balance of the child's support for that year. A may claim the child as a dependent, as the $1,000 scholarship is not counted in determining the support of the child. For purposes of this paragraph, amounts received for tuition payments and allowances by a veteran under the provisions

of the Servicemen's Readjustment Act of 1944 or the Veterans' Readjustment Assistance Act of 1952 are not amounts received as scholarships. For definition of the terms "child," "student," and "educational institution" as used in this paragraph, see § 1.151–3.

§ 1.152–2 *Rules relating to general definition of dependent.* (a) To qualify as a dependent an individual must be a citizen or resident of the United States or be a resident of the Canal Zone, the Republic of Panama, Canada, or Mexico at some time during the calendar year in which the taxable year of the taxpayer begins. A resident of the Republic of the Philippines who was born to or legally adopted by the taxpayer in the Philippine Islands before July 5, 1946, at a time when the taxpayer was a member of the Armed Forces of the United States, may also be claimed as a dependent if such resident otherwise qualifies as a dependent. For definition of "Armed Forces of the United States," see section 7701 (a) (15)

(b) A payment to a wife which is includible in her gross income under section 71 or section 682 shall not be considered a payment by her husband for the support of any dependent.

(c) A legally adopted child of a person shall be considered a child of such person by blood.

(d) In the case of a joint return it is not necessary that the prescribed relationship exist between the person claimed as a dependent and the spouse who furnishes the support; it is sufficient if the prescribed relationship exists with respect to either spouse. Thus, a husband and wife making a joint return may claim as a dependent a daughter of the wife's brother (wife's niece) even though the husband is the one who furnishes the chief support. The relationship of affinity once existing will not terminate by divorce or the death of a spouse. For example, a widower may continue to claim his deceased wife's father (father-in-law) as a dependent provided he meets the other requirements of section 151.

§ 1.152–3 *Multiple support agreements.* (a) Section 152 (c) provides that a taxpayer shall be treated as having contributed over half of the support of an individual for the calendar year (in cases where two or more taxpayers contributed to the support of such individual) if:

(1) No one person contributed over half of the individual's support,

(2) Each member of the group which collectively contributed more than half of the support of the individual would have been entitled to the dependency exemption but for the fact that he did not contribute more than one half of such support,

(3) The member of the group claiming the dependency exemption contributed more than 10 percent of the individual's support, and

(4) Each other person in the group who contributed more than 10 percent of such support files a written declaration that we will not claim the dependency exemption for such individual for any taxable year beginning in such calendar year.

Application of the foregoing provisions may be illustrated by the following examples:

Example (1). Brothers A, B, C, and D contributed the entire support of their mother in 1954 in the following percentages: A, 30 percent; B, 20 percent; C, 29 percent; and D, 21 percent. Any one of the brothers, except for the fact that he did not contribute more than half of her support, would have been entitled to claim his mother as a dependent. Consequently, any one of the brothers could claim a deduction for the exemption of the mother provided a written declaration (as provided in paragraph (b) of this section) from each of the other brothers is attached to his income tax return. Even though A and D together contributed more than one-half the support of the mother, A, if he wished to claim his mother as a dependent, would be required to attach written declarations from B, C, and D to his income tax return, since each of these three contributed more than 10 percent of the support and, but for the support requirement, would have been entitled to claim the dependency exemption.

Example (2). E, an individual who resides with his son, received $1,500 during the calendar year 1954, which constituted his entire support for that year. The source of the $1,500 was as follows:

Source	Amount received	Percentage of total
Social Security	$375	25
N, an unrelated neighbor	165	11
B, a brother	210	14
D, a daughter	150	10
S, a son	600	40
Total received by E	1,500	100

B, D, and S are persons each of whom, but for the fact that he did not contribute more than half of the $1,500, could claim E as a dependent for a taxable year beginning in 1954. The three together contributed $960, or 64 percent of the $1,500, and, thus, each is a member of the group to be considered for the purpose of section 152 (c). B and S are the only members of such group who can meet all the requirements of section 152 (c) and either one could claim E as a dependent for his taxable year beginning in 1954 provided he attached to his income tax return a written declaration (as provided in paragraph (b) of this section) signed by the other, and furnished the other information required by the return with respect to all the contributions to E. Inasmuch as D did not contribute more than 10 percent of E's support, she would not be entitled to claim E as a dependent for a taxable year beginning in 1954 nor would she be required to file a written declaration with respect to her contributions to E. N contributed over 10 percent of the support of E in 1954 but, since he is an unrelated neighbor, he does not qualify as a member of the group for the purpose of the multiple support agreement under section 152 (c).

(b) The member of a group of contributors who claims the dependency deduction for an individual under the multiple support agreement provisions of section 152 (c) must attach to his income tax return for the year of the deduction a written declaration from each of the other persons who contributed more than 10 percent of the support of such individual and who, but for the failure to contribute more than half of the support of the individual, would have been entitled to claim the dependency exemption. The written declaration required by this paragraph may be made on Form 2120, which contains a statement of the fact of contribution and a waiver of the claim for dependency exemption. Copies of Form 2120 will be supplied by district directors to persons who request such forms. Any declaration made other than on Form 2120 shall conform to the substance of Form 2120. The taxpayer claiming the exemption should also attach to his income tax return a statement showing the names of all contributors (whether members of the group described in section 152 (c) or not) and the amount contributed by each to the support of the claimed dependent. The taxpayer should be prepared to furnish other information, when required, which will substantiate his right to claim such exemption.

§ 1.153 *Statutory provisions; determination of marital status.*

SEC. 153. *Determination of marital status.* For purposes of this part—

(1) The determination of whether an individual is married shall be made as of the close of his taxable year; except that if his spouse dies during his taxable year such determination shall be made as of the time of such death; and

(2) An individual legally separated from his spouse under a decree of divorce or of separate maintenance shall not be considered as married.

§ 1.153–1 *Determination of marital status.* For the purpose of determining the right of an individual to claim an exemption for his spouse under section 151 (b) the determination of whether such individual is married shall be made at the close of his taxable year, unless his spouse dies during such year, in which case the determination shall be made as of the time of such death. An individual legally separated from his spouse under decree of divorce or separate maintenance shall not be considered as married. The provisions of this section may be illustrated by the following examples:

Example (1). A who files his returns on the basis of a calendar year, married B on December 31, 1954. B, who had never previously married, had no gross income for the calendar year 1954, nor was she the dependent of another taxpayer for such year. A may claim an exemption for his spouse for 1954.

Example (2). C and his wife, D, were married in 1940. They remained married until July 1954 at which time D was granted a decree of divorce. C, who files his income tax returns on a calendar year basis, cannot claim an exemption for D on his 1954 return as C and D were not married on the last day of C's taxable year. Had D died instead of being divorced, C could have claimed an exemption for D for 1954 as their marital status would have been determined as of the date of D's death.

§ 1.154 *Statutory provisions; cross references.*

SEC. 154. *Cross references.* (1) For definitions of "husband" and "wife" as used in section 152 (b) (4), see section 7701 (a) (17).

(2) For deductions of estates and trusts, in lieu of the exemptions under section 151, see section 642 (b).

(3) For exemptions of nonresident aliens, see section 873 (d).

(4) For exemptions of citizens deriving income mainly from sources within possessions of the United States, see section 931 (e).

[F. R. Doc. 55-5887; Filed, July 20, 1955; 8:45 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF FILING OF PETITION FOR ESTABLISHMENT OF TOLERANCES FOR RESIDUES OF MALATHION

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1) 68 Stat. 512; 21 U. S. C. 346a (d) (1)) the following notice is issued.

A petition has been filed by the American Cyanamid Company 30 Rockefeller Plaza, New York, New York, proposing tolerances for malathion (O,O-dimethyl dithiophosphate of diethyl mercaptosuccinate) as follows:

Tolerances of 8 parts per million on:

Apples, pears.	Melons.
Avocados.	Eggplant, peppers.
Blueberries.	Onions.
Cranberries.	Potatoes.
Strawberries.	Tomatoes.
Mangoes, peaches, apricots.	Walnuts, pecans.
Guavas.	Citrus.
Cherries.	Dates.
Plums and prunes.	Pineapple.
Grapes.	Celery.
Beans.	Cauliflower, cabbage.
Peas.	Mustard, kale, spinach.
Broccoli, brussels sprouts.	Lettuce.
Rutabagas, turnips, beets.	Barley, wheat, oats.
Cucumbers, squash (summer).	Alfalfa, clover.
	Pasture grass.
	Passion fruit.

The analytical method proposed in the petition for determining residues of malathion was published in the Journal of Agricultural and Food Chemistry, Volume 2, No. 11, pages 570-573 (1954)

Dated: July 15, 1955.

[SEAL] GEO. P LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 55-5893; Filed, July 20, 1955; 8:46 a. m.]

NOTICES

DEPARTMENT OF DEFENSE

Department of the Army

STATEMENT OF ORGANIZATION AND FUNCTIONS

DESCRIPTION OF CENTRAL AND FIELD AGENCIES

Paragraph (e) of section 1 of the statement of organization and functions of the Department of the Army, appearing at 15 F R. 6639, October 3, 1950, and amended at 16 F R. 8144, August 16, 1951, 19 F R. 6349, October 1, 1954, and 20 F R. 691, February 1, 1955, is further amended by revising subparagraph (18) to read as follows:

SECTION 1. *Description of central and field agencies.* * * *

(e) *Organization of Department of the Army.* * * *

(18) *Chief of Finance*—(i) *General.* The Chief of Finance, under the direct supervision and control of the Comptroller of the Army, formulates, coordinates, and supervises the execution of plans and policies concerning Army finance service, and, in addition, provides such Army-wide financial services as may be required.

(ii) *Major functions*—(*a*) *Budgeting.* Formulates and defends budget estimates and manages budget programs for pay of the Army, travel of the Army, and related activities; the Army portion of the appropriation for pay of retired military personnel; and claims.

(*b*) *Advisory services.* Establishes policies and furnishes technical advice and other staff supervision and service for entitlement matters concerning Army financial transactions; disbursing; miscellaneous activities including foreign currency transactions, surety bonds, property losses and damages, establishment of banking facilities, and settlements for deficiencies in fund and property accounts.

(*c*) *Special financial services.* Plans, administers, and supervises Army-wide savings and life insurance activities; the recovery of amounts due the Government under Army renegotiation and excess profits proceedings; an activity designed to insure that Army contractor arrangements for insurance, self-insurance, surety bonds, pensions, and retirements are legal, adequate, reasonable in cost, and in the best interest of the Government.

(*d*) *Centralized services.* Provides centralized finance services, including the following:

(*1*) Centralized accounting for all disbursements and collections of funds applied in Army accounts.

(*2*) Centralized payment of allotments of pay and allowances; all retired Army personnel; Office of the Secretary of Defense, Army, and Air Force transportation bills; and claims, involving Army funds, settled by the General Accounting Office.

(*3*) Centralized storage of Army financial documents and records.

(*4*) Development and processing of miscellaneous claims.

(*5*) Receipt, examination, audit, reconciliation, and filing of individual military pay accounts for all members of the Army and related accounting payment, collection, and adjustment activities.

(*e*) *Validation and adjudication.* Maintains liaison relative to, coordinates, plans, administers and supervises Army-wide validation and adjudication of all financial transactions potentially subject to fraud or improper payment including but not restricted to Class Q allotments, secondary dependency allowances, and travel allowances.

(*f*) *Training.* Provides courses of instruction which are required for the training of military and civilian personnel performing finance and accounting and related military comptrollership functions.

[SEAL] JOHN A. KLEIN,
Major General, U S. Army,
The Adjutant General.

[F. R. Doc. 55-5889; Filed, July 20, 1955; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 6093]

INTRA-ALASKA ROUTE INVESTIGATION

NOTICE OF PREHEARING CONFERENCE

Notice is hereby given that a prehearing conference in the above-entitled investigation is assigned to be held on September 8, 1955, at 10:00 a. m., e. d. s. t., in Room E-206, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Herbert K. Bryan.

Dated at Washington, D. C., July 18, 1955.

[SEAL] FRANCIS W. BROWN,
Chief Examiner

[F. R. Doc. 55-5927; Filed, July 20, 1955; 8:53 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Dissolution Order 111]

ATAKA & CO., LTD., OF NEW YORK, N. Y.

Whereas, by Vesting Order No. 58, dated July 23, 1942, (7 Fed. Reg. 5742, July 28, 1942) and Executive Order No. 9788, dated October 14, 1946, (11 Fed. Reg. 1198, October 15, 1946), there is vested in the Attorney General of the United States (hereinafter referred to as the "Attorney General"), all of the issued and outstanding stock (consisting of 300 shares) of Ataka & Co., Ltd., of New York, a New York corporation (hereinafter called the "Company"),

Whereas, a Certificate of Dissolution of the Company was issued by the Secretary of State of New York on November 18, 1943; and

Whereas, the Company has been substantially liquidated;

Now, therefore, under the Trading With the Enemy Act, as amended, and Executive Orders 9095, as amended, and 9788, and pursuant to law, the undersigned, after investigation:

(1) Finding that the known assets of the Company consist of (a) funds in the amount of $69,409.28 on deposit with the Riggs National Bank of Washington, D. C. and (b) Third mortgage bonds of The Nippon Club, Inc. of the par value

of $500.00, with respect to which Claim No. 1778 is pending before the Office of Alien Property.

(2) Finding that the known liabilities of the Company consist of an indebtedness in the amount of $57,655.99 owing to the Attorney General by virtue of Vesting Order No. 58, dated July 23, 1942 (7 F. R. 5742, July 28, 1942), and Executive Order 9788;

(3) Finding that the Company's balance sheet reflects contingent liabilities for United States unemployment taxes in the amount of $170.26 and United States old age benefit taxes in the amount of $184.59 as to which the Company's liability has not yet been determined; and

(4) Having determined that it is in the national interest of the United States that the Company be dissolved, that its affairs be wound up and its assets be distributed;

Hereby orders, That the officers and directors of the Company (and their successors, if any, or any of them) wind up the affairs of the Company and distribute the assets of the Company coming into their possession as follows:

(1) The officers and directors of the Company will first pay all current expenses, if any, and necessary charges in effecting dissolution and final winding up of the corporation's affairs;

(2) They will pay all federal, state and local taxes, if any, owed by or accruing against the corporation; and

(3) They will then pay over, transfer, assign and deliver to the Attorney General all funds and property of whatsoever kind and nature remaining, including after discovered assets and all claims of any nature, the same to be applied by the Attorney General first, in satisfaction of such claim, if any, as the Attorney General may have for monies advanced or for services rendered to or on behalf of the corporation; second, in payment of the vested account payable owing to Ataka & Co., Ltd., Osaka, with a present unpaid balance of $57,655.99 and third, as a liquidating distribution of assets to the Attorney General as the holder of all of the issued and outstanding capital stock of the corporation; and

Further orders, That nothing herein set forth shall be construed as prejudicing the rights under the Trading with the Enemy Act, as amended, of any person who may have a claim against the Company to file such claim with the Attorney General against any funds or property received by the Attorney General hereunder: *Provided, however* That nothing herein contained shall be construed as creating additional rights in any such person: *Provided further* That any such claim against said Company shall be filed with or presented to the Attorney General within the time and in the form and manner prescribed for such claims by the Trading with the Enemy Act, as amended, and applicable regulations and orders issued pursuant thereto; and

Further orders, That all actions taken and acts done by the officers and directors of the Company pursuant to this Order and the directions contained herein shall be deemed to have been taken and done in reliance on and pursuant to Section 5 (b) (2) of the Trading with the Enemy Act, as amended (50 U. S. C. App. 5), and the acquittance and exculpation provided therein.

Executed in Washington, D. C. on July 14, 1955.

For the Attorney General.

[SEAL] PAUL V MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 55-5916; Filed, July 20, 1955; 8:50 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Docket No. DA-133]

WASHINGTON

RESTORATION ORDER UNDER FEDERAL POWER ACT

JULY 15, 1955.

Pursuant to determination DA-133, Washington, by the Federal Power Commission, and in accordance with Section 2.5 Part 2 of the Redelegation Order No. 541 approved April 21, 1954, by the Director, Bureau of Land Management, 19 F R. 2473, it is ordered as follows:

Subject to valid existing rights and the provision of existing withdrawal the lands hereinafter described so far as they are withdrawn and reserved for power purposes are hereby restored to location and entry for mining purposes only, subject to the provisions of Section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. Sec. 818) as amended, and subject to the stipulation that if and when the lands are restored they will be used for location and mining purposes only, and that if and when said lands are required for power development by the United States or its permittees or licensees, any structures or improvements placed thereon by the locator or his successors, which are found to interfere with such development, shall be removed or relocated at no cost or liability to the United States, its permittees or licensees, and subject to further condition that the said land shall be used and occupied exclusively for mineral exploration and development and no facility or activity shall be erected or constructed thereon for other purposes until such time as compliance with the requirements of the United States mining laws has been made and patent issues.

WILLAMETTE MERIDIAN, WASHINGTON

T. 40 N., R. 8 E.,
Sec. 33, all (unsurveyed).

The area described aggregates approximately 640 acres.

The subject lands are located in Power Site Classification No. 126, created January 23, 1926, and Power Site Classification No. 316, created February 1, 1940, and lie within the Mt. Baker National Forest, Washington.

The land described shall be subject to application by the State of Washington for a period of 90 days from the date of publication of this order in the FEDERAL REGISTER for right-of-way for public highways or as a source of materials for the construction and maintenance of such highways, subject to Section 24 of the Federal Power Act, as amended. This order shall not otherwise affect the status of the land until 10:00 a. m. on the 91st day after the date of publication of this order in the FEDERAL REGISTER at which time the land will become available to location and entry under the mining laws only, subject to valid existing rights, the provisions of existing withdrawals, the requirements of the applicable laws, and the reservations, stipulations and conditions herein provided.

J. M. HONEYWELL,
State Supervisor.

[F. R. Doc. 55-5894; Filed, July 20, 1955; 8:46 a. m.]

ALASKA

SMALL TRACT CLASSIFICATION ORDER NO. 103

JULY 14, 1955.

By virtue of the authority contained in the Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a) as amended and pursuant to Delegation of Authority contained in Section 1.9 (o) Order No. 541 of April 21, 1954, Bureau of Land Management, it is ordered as follows:

1. Subject to valid existing rights, the public lands hereinafter described, which are situated in the Anchorage, Alaska, Land District, are hereby classified as chiefly valuable for residence site purposes, as hereinafter indicated, for lease and sale under the Small Tract Act of June 1, 1938, supra:

KETCHIKAN AREA—WHIPPLE CREEK GROUP

FOR LEASE AND SALE—FOR RESIDENCE SITES

U. S. Survey 2603: Lot 43 and Lots 46-63, inclusive.

Comprising 22 tracts aggregating 33.66 acres.

2. The classification of the above-described lands segregates them from all appropriations, including locations under the mining laws, except as to applications under the Small Tract Act and applications under the mineral leasing laws.

3. The lands involved are located approximately 11 miles northwest of Ketchikan and 2 to 3 miles from Ward Cove. About half the lots contain frontage on the North Tongass Highway and access to the remainder, or second tier of the lots, can be provided through public lands and by use of designated easements over certain lots. A good view of Tongass Narrows can be had from nearly all of the lots. The area is generally level and covered with a stand of mature spruce and hemlock except on lots imperfectly drained where scrub pine prevails. The area is nearly surrounded by advanced settlement and is served with electric power, rural mail delivery and school bus transportation. All of the lots are located on the upper side of the highway and do not contain any beach frontage. Access to the beach has been provided in the establishment of several public service sites.

4. The individual tracts vary in size from 1.20 to 1.60 acres. The supplemental plat of survey showing the location of each tract can be secured for $1.00 from the Area Cadastral Engineering Office, Bureau of Land Management, Juneau, Alaska. Brochures which describe the area and contain sketch maps of the platting of the small tracts can be obtained free of charge from the Manager, Anchorage Land Office, Anchorage, Alaska. The appraised values of the tracts vary from $100 to $380 per lot as shown below. Each lot is subject to the easement as indicated on the "Appraisal Schedule" for the existing highway or for easement purposes for a future roadway. Each lot is subject to any existing facilities used for the transmission of telephonic communication, sewage, water or electricity.

KETCHIKAN AREA SMALL TRACTS—WHIPPLE CREEK GROUP

APPRAISAL SCHEDULE

Classified as Residence Sites

Description	Acreage	Advance rental (2 years)	Easements	Sale price
U. S. Survey 2603; Lot:				
43	1.60	$12		$120
46 [1]	1.60	16		160
47 [1]	1.20	16		160
48 [1]	1.20	36	SW 10 ft.	360
49	1.60	38	SW 10 ft.	380
50	1.60	36		360
51	1.60	10	NW 50 ft.	100
52	1.60	30	SW 10 ft. and NW 50 ft.	300
53	1.60	30	SW 10 ft. and SE 50 ft.	300
54	1.60	10	SE 50 ft.	100
55	1.23	10		100
56	1.23	30	SW 10 ft.	300
57	1.60	32	SW 10 ft.	320
58	1.60	12		120
59	1.60	16		160
60	1.60	36	SW 10 ft.	360
61	1.60	36	SW 10 ft.	360
62	1.60	16		160
63	1.60	16		160
64	1.60	36	SW 10 ft.	360
65	1.60	36	SW 10 ft.	360
66	1.60	16		160

[1] Not available for competitive filing at this time, subject to prior valid filing under another act.

NOTE: Easement on SW and 10 ft. in width is for existing North Tongass Highway. Easement on side as noted and 50 ft. in width is for proposed access road which may or may not be constructed.

5. Leases will be issued for a term of two years and will contain an option to purchase in accordance with 43 CFR 257.13 (Circular 1899) Lessees who comply with the general terms and conditions of their leases will be permitted to purchase their tracts at the prices listed above at any time during the term of their leases providing that they have either (a) constructed the improvements specified in paragraph 6 or (b) filed a copy of an agreement in accordance with 43 CFR 257.13 (d) Leases will not be renewable unless failure to construct the required improvements is justified under the circumstances and nonrenewal would work an extreme hardship on the lessee.

6. To maintain their rights under their leases, lessees will be required to either (a) construct substantial improvements on their lands or (b) file a copy of an agreement with their neighbors binding them to construct substantial improvements on their lands. Such improvements must conform with health, sanitation, and construction requirements of local ordinances and must, in addition, meet at least the following minimum standards. The home must be insulated and be suitable for year-around occupancy, be on a permanent foundation, contain at least 192 square feet of floor space (outside measure) and contain a minimum of one door and one window. The home must be built in a workmanlike manner out of attractive materials properly finished. Adequate disposal and sanitary facilities must be installed.

7. Beginning at 10:00 a. m. on August 3, 1955 the lands will be open to filing of drawing-entry cards (Form 4–775) only by persons entitled to veterans' preference. In brief, persons entitled to such preference are (a) honorably discharged veterans who served in the armed forces of the United States for a period of at least 90 days after September 15, 1940, (b) surviving spouse or minor orphan children of such veterans through a legally authorized representative, and (c) with the consent of the veterans, the spouse of living veterans. The 90-day requirement does not apply to veterans who were discharged on account of wounds or disability incurred in the line of duty or the surviving spouse or minor children of veterans killed in the line of duty. Drawing-entry cards (Form 4–775) are available upon request from the Manager, Anchorage Land Office, Anchorage, Alaska.

Drawing-entry cards will be accepted if filled out in compliance with the instructions on the form and submitted to the above named official prior to 10:00 a. m. on August 24, 1955. A drawing will be held on that date to select the successful entrants who will be sent copies of the lease form, Form 4–776, with instructions as to their execution and return and as to payment of fees and rentals. All entrants will be notified of the results of the drawing.

For a period of 91 days or until the close of business on November 23, 1955, any tracts remaining unappropriated will be subject to filing in the order received by qualified veteran applicants. Such filings will be executed upon the lease form, Form 4–776.

During the 21 day period extending between 10:00 a. m. on November 2, 1955 and November 23, 1955, drawing-entry cards will be accepted from the general public on any unappropriated parcels of the subject land, however, during this 21 day period veteran priority rights still prevail. A drawing will be held at 10:00 a. m. on November 23, 1955 to select successful entrants, after which the unappropriated portions of the subject land will be open to application under this classification in order of filing. All entrants will be notified of the results of the drawing and successful entrants will be sent copies of the lease forms with instructions as to their execution. Persons claiming veterans' preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge.

The filing of the lease form, Form 4–776, must be accompanied by a filing fee of $10.00 plus the advance rental specified above. The advance rental is determined as being a sum which amounts to 1/20th of the appraised value of the land for each of two years under lease. The advance rental for any unexpired full lease year, if any, subsequent to the filing of the application to purchase, will be subtracted from the sale price of the land as shown above. Failure to transmit the filing fee and the advance rental with the application will render the application invalid. Advance rentals will be returned to unsuccessful applicants. All filing fees will be retained by the United States.

8. All valid applications filed prior to June 19, 1952 will be granted the preference right provided for by 43 CFR 257.5 (a)

ROGER R. ROBINSON,
Acting Area Administrator

[F. R. Doc. 55-5895; Filed, July 20, 1955; 8:46 a. m.]

ALASKA

SMALL TRACT CLASSIFICATION ORDER NO. 104

JULY 14, 1955.

By virtue of the authority contained in the Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a) as amended and pursuant to Delegation of Authority contained in Section 1.9 (o) Order No. 541 of April 21, 1954, Bureau of Land Management, it is ordered as follows:

1. Subject to valid existing rights, the public lands hereinafter described, which are situated in the Anchorage, Alaska Land District, are hereby classified as chiefly valuable for residence site purposes, as hereinafter indicated, for lease and sale under the Small Tract Act of June 1, 1938, supra.

KETCHIKAN AREA—PENNOCK ISLAND GROUP

FOR LEASE AND SALE—FOR RESIDENCE SITES

U. S. Survey 3316: Lots 1–6 inclusive; lots 8–28 inclusive; comprising 27 lots aggregating 73.87 acres.

2. The classification of the above-described lands segregates them from all appropriations, including locations under the mining laws, except as to applications under the Small Tract Act and applications under the mineral leasing laws.

3. The lands involved are located along the eastern shore of Pennock Island a few miles south of Ketchikan and directly opposite and across Tongass Narrows from the village of Saxman, the only access is from the water, there being no roads on Pennock Island. All lots contain beach frontage on Tongass Narrows and a good view of Ketchikan can be had from any lot. There is no electricity or any other public service available, although the area is within the Ketchikan Independent School District. The beach frontage has only limited use for boat storage and landing due to its rocky and exposed condition. The area is covered with a stand of cedar, hemlock and spruce. The soils are generally thin and interspersed with rock outcroppings and imperfectly drained areas.

4. The individual tracts vary in size from 1.05 to 4.91 acres. The supplemental plat of survey showing the location of each tract can be secured for $1.00 from the Area Cadastral Engineering Office, Bureau of Land Management, Juneau, Alaska. Brochures which describe the area and contain sketch maps of the platting of the small tracts can be obtained free of charge from the Manager, Anchorage Land Office, Anchorage, Alaska. The appraised values of the tracts vary from $100 to $180 per lot as shown below. Each lot is subject to any existing facilities used for the transmission of telephonic communication, sewage, water or electricity.

KETCHIKAN AREA SMALL TRACTS—PENNOCK ISLAND GROUP

APPRAISAL SCHEDULE

Classified as Residence Sites

Land description	Acreage	Advanced rental (2 years)	Sale price
U. S. Survey 3316 Lot:			
1 [1]	4.30	$18	$180
2 [1]	4.91	18	180
3	2.35	10	100
4 [2]	2.39	16	160
5 [1]	3.21	18	180
6	1.05	10	100
8 [2]	1.64	16	160
9 [2]	2.05	16	160
10	2.81	16	160
11	2.96	16	160
12	3.01	16	160
13	3.06	16	160
14	3.04	16	160
15	2.99	16	160
16	2.94	16	160
17	2.90	16	160
18	2.85	16	160
19	2.80	16	160
20 [1]	2.60	16	160
21	2.27	16	160
22	1.93	16	160
23	1.90	16	160
24	2.10	16	160
25	2.19	16	160
26	3.29	16	160
27	3.29	16	160
28 [1]	3.04	12	120

[1] Not subject to competitive filing at this time. Presently under prior valid claim under Homesite Act of 1934 or other similar act.

[2] Not subject to competitive filing at this time. Prior valid claim under Small Tract Act.

NOTE: There are no designated easements for road right-of-way purposes on any of the lots within U. S. Survey 3316.

5. Leases will be issued for a term of two years and will contain an option to purchase in accordance with 43 CFR 257.13 (Circular 1899) Lessees who comply with the general terms and conditions of their leases will be permitted to purchase their tracts at the prices listed above at any time during the term of their leases providing that they have either (a) constructed the improvements specified in paragraph 6 or (b) filed a copy of an agreement in accordance with 43 CFR 257.13 (d) Leases will not be renewable unless failure to construct the required improvements is justified under the circumstances and nonrenewal would work an extreme hardship on the lessee.

6. To maintain their rights under their leases, lessees will be required to either (a) construct substantial improvements on their lands or (b) file a copy of an agreement with their neighbors binding them to construct substantial improvements on their lands. Such improvements must conform with health, sanitation, and construction requirements of local ordinances and must, in addition, meet at least the following minimum standards. The home must be insulated and be suitable for year-around occupancy, be on a permanent foundation, contain at least 192 square feet of floor space (outside measure) and contain a minimum of one door and one window. The home must be built in a workmanlike manner out of attractive materials properly finished. Adequate disposal and sanitary facilities must be installed.

7. Beginning at 10:00 a. m. on August 3, 1955 the lands will be open to filing of drawing-entry cards (Form 4–775) only by persons entitled to veterans' preference. In brief, persons entitled to such preference are (a) honorably discharged veterans who served in the armed forces of the United States for a period of at least 90 days after September 15, 1940, (b) surviving spouse or minor orphan children of such veterans through a legally authorized representative, and (c) with the consent of the veteran; the spouse of living veterans. The 90-day requirement does not apply to veterans who were discharged on account of wounds or disability incurred in the line of duty or the surviving spouse or minor children of veterans killed in the line of duty. Drawing-entry cards (Form 4–775) are available upon request from the Manager, Anchorage Land Office, Anchorage, Alaska.

Drawing-entry cards will be accepted if filled out in compliance with the instructions on the form and submitted to the above named official prior to 10:00 a. m. on August 24, 1955. A drawing will be held on that date to select the successful entrants who will be sent copies of the lease form, Form 4–776, with instructions as to their execution and return and as to payment of fees and rentals. All entrants wil be notified of the results of the drawing.

For a period of 91 days or until the close of business on November 23, 1955, any tracts remaining unappropriated will be subject to filing in the order received by qualified veteran applicants. Such filings will be executed upon the lease form, Form 4–776.

During the 21 day period extending between 10:00 a. m. on November 2, 1955, and November 23, 1955, drawing-entry cards will be accepted from the general public on any unappropriated parcels of the subject land, however, during this 21 day period veteran priority rights still prevail. A drawing will be held at 10:00 a. m. on November 23, 1955, to select successful entrants, after which the unappropriated portions of the subject land will be open to application under this classification in order of filing. All entrants will be notified of the results of the drawing and successful entrants will be sent copies of the lease forms with instructions as to their execution. Persons claiming veterans' preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge.

The filing of the lease form, Form 4–776, must be accompanied by a filing fee of $10.00 plus the advance rental specified above. The advance rental is determined as being a sum which amounts to 1/20th of the appraised value of the land for each of two years under lease. The advance rental for any unexpired full lease year, if any, subsequent to the filing of the application to purchase, will be subtracted from the sale price of the land as shown above. Failure to transmit the filing fee and the advance rental with the application will render the application invalid. Advance rentals will be returned to unsuccessful applicants. All filing fees will be retained by the United States.

8. All valid applications filed prior to June 19, 1952, will be granted the preference right provided for by 43 CFR 257.5 (a).

ROGER R. ROBINSON,
Acting Area Administrator

[F. R. Doc. 55-5836; Filed, July 20, 1955; 8:46 a. m.]

[Document No. 56]

ARIZONA

SMALL TRACT CLASSIFICATION NO. 39

1. Pursuant to authority delegated by Document No. 43, Arizona, effective May 19, 1955 (20 F. R. 3514–15), the following described lands totaling 300 acres located in Pima County, Arizona, are hereby classified as suitable for lease and sale for residence and/or business purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a) as amended.

GILA AND SALT RIVER MERIDIAN

T. 12 S., R. 6 W.,
Sec. 10: E½NE¼, SW¼NE¼, NW¼SE¼, E½E½NE¼SW¼, NW¼SW¼, W½ NW¼, E½E½SE¼NW¼.

2. Classification of the above described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands are located immediately north of the Town of Ajo and extend northerly for a distance of about ¾ mile on both sides of Arizona State Highway 85. The topography is flat to undulating with a general slope to the southeast. The soil is generally stony with many rock fragments, but there are some small areas of fine sand. The vegetation is sparse and includes saguaro and other cacti, creosote, paloverde, a little iron wood, and scattered grasses and weeds. Public utilities such as gas, electric power, and water are available in the immediate vicinity.

4. The tracts adjacent to the highway are approximately 3¾ acres subject to the highway right-of-way. The remaining tracts are approximately 5 acres. In the W½NW¼ and NW¼SW¼ of said section 10, the longer dimensions of the tracts will be north and south. On the remainder of the land, the longer dimension will be east and west.

a. The appraised price of the tracts in the E½NE¼, E½SW¼NE¼, E½NW¼ SW¼, NW¼SW¼ and W½NW¼ is $150.00 per tract and the advance three

year rental for resident tract is $22.50. The advance three year rent for a business site is $60.00. However if the gross income exceeds $2,000.00 per annum, the rental will be calculated in accordance with the schedule incorporated in the lease.

b. The appraised price of the following described tracts is $200.00 per tract and the advance three year rental for residence tract is $30.00. The advance three year rental for a business site is $60.00. However if the gross income exceeds $2,000.00 per annum, the rental will be calculated in accordance with the schedule incorporated in the lease.

NE¼NE¼SE¼NW¼, W½NW¼NW¼SW¼NE¼.
SE¼NE¼SE¼NW¼, W½SW¼NW¼SW¼NE¼.
NE¼SE¼SE¼NW¼, W½NW¼SW¼SW¼NE¼.
SE¼SE¼SE¼NW¼, W½SW¼SW¼SW¼NE¼.
NE¼NE¼NE¼SW¼, W½NW¼NW¼NW¼SE¼.
SE¼NE¼NE¼SW¼, W½SW¼NW¼NW¼SE¼.
NE¼SE¼NE¼SW¼, W½NW¼SW¼NW¼SE¼.
SE¼SE¼NE¼SW¼, W½SW¼SW¼NW¼SE¼.
NE¼NW¼SW¼NE¼, E½NW¼NW¼SW¼NE¼.
SE¼NW¼SW¼NE¼, E½SW¼NW¼SW¼NE¼.
NE¼SW¼SW¼NE¼, E½NW¼SW¼SW¼NE¼.
SE¼SW¼SW¼NE¼, E½SW¼SW¼SW¼NE¼.
NE¼NW¼NW¼SE¼, E½NW¼NW¼NW¼SE¼.
SE¼NW¼NW¼SE¼, E½SW¼NW¼NW¼SE¼.
NE¼SW¼NW¼SE¼, E½NW¼SW¼NW¼SE¼.
SE¼SW¼NW¼SE¼, E½SW¼SW¼NW¼SE¼.

Rights-of-way of 33 feet for streets and roads and for public utilities will be reserved on the exterior boundaries of all tracts on the section lines and quarter and one sixteenth sub-division lines, except the north-south quarter section line.

5. Leases will be issued for a term of three years and will contain an option to purchase in accordance with 43 CFR 257.13. Lessees who comply with the general terms and conditions of their leases will be permitted to purchase their tracts at the appraised price provided that during the period of their leases they either (a) construct the improvements specified in paragraph 6 or (b) file a copy of an agreement in accordance with 43 CFR 257.13 (d) Leases will not be renewable unless failure to construct the required improvements is justified under the circumstances and nonrenewal would work an extreme hardship on the lessee. All mineral rights will be reserved to the United States.

6. To maintain their rights under their leases, lessees will be required either (a) to construct substantial improvements on their lands or (b) file a copy of an agreement with their neighbors binding them to construct substantial improvements on their lands. Such improvements must conform with health, sanitation, and construction requirements of local ordinances and must, in addition, meet the following standards. The home must be suitable for year-round use, on a permanent foundation and with a minimum of 500 square feet of floor space. The homes must be built in a workmanlike manner out of attractive materials properly finished. Adequate disposal and sanitary facilities must be installed.

7. Applicants must file, in duplicate, with the Manager, Land Office, Room 251 Main Post Office Building, Phoenix, Arizona, application Form 4–776 filled out in compliance with the instructions on the form and accompanied by any showings or documents required by those instructions. Copies of the application form can be secured from the above-named official.

The applications must be accompanied by a filing fee of $10.00 plus the advance rental specified above. Failure to transmit these payments with the application will render the application invalid. Advance rentals will be returned to unsuccessful applicants. All filing fees will be retained by the United States.

8. The lands are now subject to application under the Small Tract Act. All valid applications filed prior to July 28, 1952, will be granted the preference right provided by 43 CFR 257.5 (a) All valid applications from persons entitled to veterans' preference filed after July 28, 1952, and prior to 10:00 a. m. August 20, 1955, will be considered as simultaneously filed at that time. All valid applications from persons entitled to veterans' preference filed after 10:00 a. m. August 20, 1955, will be considered in the order of filing. All valid applications from all other persons filed after July 28, 1952, and prior to 10:00 a. m. November 19, 1955, will be considered as simultaneously filed at that time. All valid applications filed after 10:00 a. m. November 19, 1955, will be considered in the order of filing.

9. Inquiries concerning these lands shall be addressed to the Manager, Arizona Land Office, Room 251 Main Post Office Building, Phoenix, Arizona.

E. R. TRAGITT,
State Lands and Minerals, Staff Officer

JULY 15, 1955.

[F. R. Doc. 55–5897; Filed, July 20, 1955; 8:47 a. m.]

NEW MEXICO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JULY 11, 1955.

An application, serial number New Mexico 020007, for the withdrawal from all forms of appropriation under the public land laws, including the mining laws but not the mineral-leasing laws of the lands described below was filed on June 20, 1955, by the United States Department of Agriculture. The purposes of the proposed withdrawal: Roadside zones for recreation purposes.

For a period of thirty days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the State Supervisor, Bureau of Land Management, Department of the Interior, at P O. Box 1251, Santa Fe, New Mexico. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a Notice of Determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN

LINCOLN NATIONAL FOREST

Sacramento Peak Road (Air Force Service Road) Roadside Zone

A strip of land 300 feet on each side of the center line of the Sacramento Peak Road through the following subdivisions:

T. 16 S., R. 12 E.,
Sec. 6, lot 26, W½NE¼SE¼, W½SE¼, SE¼SW¼,
Sec. 7, lots 1, 3, 5.
T. 16 S., R. 11 E.,
Sec. 13, W½SE¼, S½SW¼,
Sec. 24, lots 3, 4;
Sec. 35, S½NE¼, E½SE¼.
T. 17 S., R. 11 E.,
Sec. 1, lot 4, SW¼NW¼,
Sec. 2, lot 1.

Cox Canyon (State Route No. 24) Highway, Roadside Zone

A strip of land 500 feet on each side of the center line of State Highway No. 24 through the following subdivisions:

T. 16 S., R. 12 E.,
Sec. 6, lots 16, 17, NE¼SE¼.

Cloudcroft (State No. 83) Highway, Roadside Zone

A strip of land 1000 feet on each side of the center line of State Highway No. 83 through the following subdivisions:

T. 16 S., R. 12 E.,
Sec. 3, lots 1, 2, 3, 4, 6, 8, 9, 11;
Sec. 4, lots 1, 2, 3, 4, 5, 6, 7, 8;
Sec. 5, lots 1, 2, 8, 9, 10.
T. 15 S., R. 12 E.,
Sec. 36, S½S½, S½NE¼SE¼, S½NW¼SE¼.
T. 15 S., R. 13 E.,
Sec. 31, lot 4, SE¼SW¼, S½SE¼,
Sec. 32, S½SW¼, SW¼SE¼.

E. R. SMITH,
State Supervisor

[F. R. Doc. 55–5898; Filed, July 20, 1955; 8:47 a. m.]

COLORADO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Atomic Energy Commission has filed an application, Serial No. Colo. 07761, amended, for the withdrawal of the lands described below, from all forms of appropriation including the mining and mineral leasing laws. The applicant desires the land for use of the Atomic Energy Commission as a site for the installation of a VHF relay booster station.

For a period of 30 days from the date of publication of this notice, persons

having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 357 New Custom House, Box 1018, Denver, Colorado.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

T. 43 N., R. 19 W.,
Sec. 36: SW¼SW¼NE¼SE¼, 2.5 acres.

MAX CAPLAN,
State Supervisor

JULY 15, 1955.

[F. R. Doc. 55-5899; Filed, July 20, 1955; 8:47 a. m.]

Bureau of Reclamation

SUN RIVER PROJECT, MONTANA

ORDER OF REVOCATION

DECEMBER 30, 1954.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954 (19 F. R. 5004), I hereby revoke Departmental Orders of October 17, 1903, September 10, 1908, and October 4, 1909, insofar as said orders affect the following described lands; provided, however, that such revocation shall not affect the withdrawal of any other lands by said orders or affect any other orders withdrawing or reserving the lands hereinafter described:

PRINCIPAL MERIDIAN, MONTANA

T. 22 N., R. 3 W.,
Sec. 33, W½E½NW¼NE¼ and W½NW¼NE¼.

The above area aggregates 30 acres.

FLOYD E. DOMINY,
Acting Asst. Commissioner

[Misc. 68293]

JULY 15, 1955.

I concur. The records of the Bureau of Land Management will be noted accordingly.

The lands have been classified for disposal by sale to the Town of Fairfield (M-014294) upon its application, pursuant to the act of June 14, 1926 (44 Stat. 741) as amended by the act of June 4, 1954 (68 Stat. 173; 43 U. S. C. 869) Any other applications affecting the lands will be suspended in accordance with 43 CFR 254.6 until the City's application has been disposed of.

This order shall not otherwise become effective to change the status of the described lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall become subject to application, petition, location and selection under the applicable public-land laws, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 91-day preference-right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284) as amended.

Inquiries regarding the lands shall be addressed to the State Supervisor, Bureau of Land Management, Billings, Montana.

W G. GUERNSEY,
Acting Director,
Bureau of Land Management.

[F. R. Doc. 55-5900; Filed, July 20, 1955; 8:47 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11294; FCC 55M-622]

STANISLAUS COUNTY BROADCASTERS, INC., AND MCCLATCHY BROADCASTING CO.

ORDER CONTINUING HEARING ON ASSIGNMENTS

In re applications of Stanislaus County Broadcasters, Inc. (Assignor) and McClatchy Broadcasting Company (Assignee) Docket No. 11294, File No. BAL-1912, BALRY-116; for assignment of the Broadcast License for Station KBOX, and Remote Pickup, License KA-8052 Modesto, California.

It being apparent from the discussion at the further conference of July 7 that it will be impossible to begin the hearing on July 19, as now scheduled, *It is ordered,* This 8th day of July 1955, pursuant to an understanding at the conference, that the hearing of July 19 is continued to a date to be set by subsequent order.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-5921; Filed, July 20, 1955; 8:51 a. m.]

[Docket No. 11300; FCC 55M-645]

ALLEGHENY-KISKI BROADCASTING CO. (WKPA)

ORDER CONTINUING HEARING ON CONSTRUCTION PERMIT

In re application of Allegheny-Kiski Broadcasting Co. (WKPA) New Kensington, Pennsylvania, Docket No. 11300, File No. BP-9546; for construction permit.

The Hearing Examiner having under consideration an informal agreement of parties regarding continuance of hearing;

It is ordered, This 15th day of July 1955, that the hearing now scheduled for July 18, 1955, is continued until July 26, 1955, at 9:00 a. m.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-5922; Filed, July 20, 1955; 8:51 a. m.]

[Docket No. 11411; FCC 55-769]

SOUTHEASTERN ENTERPRISES (WCLE)

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of R. B. Helms, Carl J. Hoskins and Jack T. Helms, d/b as Southeastern Enterprises (WCLE) Cleveland, Tennessee, Docket No. 11411, File No. BP-9629; for construction permit.

1. The Commission has before it for consideration (a) a petition filed June 21, 1955, by Robert W. Rounsaville for reconsideration of Commission's Memorandum Opinion and Order of June 8, 1955; and (b) a motion to dismiss Rounsaville's petition for reconsideration filed June 24, 1955, by R. B. Helms, Carl J. Hoskins and Jack T. Helms, d/b as Southeastern Enterprises (WCLE), Cleveland, Tennessee.

2. The Commission on April 19, 1955, granted, without hearing, the application of Southeastern Enterprises (WCLE) requesting a construction permit to operate on 1570 kc with a power of 1 kw, daytime only, at Cleveland, Tennessee. On May 19, 1955, Robert W. Rounsaville, licensee of Station WBAC, Cleveland, Tennessee (1340 kc, 250 w, U) filed a protest to this grant.

3. The Commission by its aforesaid Memorandum Opinion and Order, adopted June 8, 1955 granted in part the protest of WBAC. It postponed the effective date of the grant of the application of Southeastern Enterprises and designated the application for hearing by oral argument to be held July 7, 1955. By a subsequent order, the Commission continued the hearing to July 12, 1955. The Commission by its Memorandum Opinion and Order aforesaid afforded WBAC an oral argument on the legal and policy questions raised by the "economic injury" issues requested by protestant, but denied protestant's request for an evidentiary hearing on the financial qualifications of Southeastern Enterprises (WCLE) To this action of the Commission the Rounsaville petition for reconsideration is addressed, and responsive pleadings have been filed, all as recited in paragraph 1 hereof.

4. The Commission is of the view that the disposition of this proceeding is governed by its order in the Radio Tifton case (FCC 55-725) adopted June 29, 1955, and that, accordingly, an evidentiary hearing on the "economic issues" as well as the financial qualifications issue, is appropriate.

5. In view of the foregoing, *It is ordered,* This 8th day of July, 1955 that the petition for reconsideration filed June 21, 1955, by Robert W. Rounsaville is granted, and that the motion to dismiss said petition filed June 24, 1955 by Southeastern Enterprises is denied.

It is further ordered, That the oral argument now scheduled for July 12, 1955, on the above-entitled application is cancelled.

It is further ordered, That an evidentiary hearing, at a time to be specified in a further order to be issued, shall be

held in Washington, D. C. in this proceeding upon the following issues:

1. To determine whether the Cleveland market will provide sufficient revenues to the proposed station so as to permit the applicant to adequately serve its public.

2. To determine whether the advertising potential of the Cleveland market is such as may indicate that both stations—the existing and the proposed—will go under, with the result that a portion of the listening public will be left without adequate service.

3. To determine whether the advertising potential of the Cleveland market is so slight that by a division of the field both stations—the existing and the proposed—will be compelled to render inadequate service.

4. To determine whether the competition of a second station which will operate daytime only may force the existing full-time station to fail, thus depriving the public of Cleveland of its only nighttime radio outlet.

5. To determine whether the applicant is financially qualified to construct, own and operate the proposed station.

6. To determine whether, considering the above issues, a grant of the application would serve the public interest convenience, and necessity.

It is further ordered, That the burden of proceeding and the burden of proof on the issues set out above are placed upon the protestant, Robert W Rounsaville.

Released: July 8, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-5923; Filed, July 20, 1955; 8:51 a. m.]

[Docket No. 11454; FCC 55-777]

NORWALK BROADCASTING CO., INC. (WNLK)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Norwalk Broadcasting Company, Incorporated (WNLK) Norwalk, Connecticut, Docket No. 11454, File No. BP-9755; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 13th day of July 1955;

The Commission having under consideration the above-entitled application of Norwalk Broadcasting Company, Incorporated, for a construction permit to increase the daytime power of Station WNLK, Norwalk, Connecticut, from 500 watts to 1 kilowatt, 500 watts night, unlimited time, on 1350 kilocycles; and

It appearing, that the applicant is legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate Station WNLK as proposed, but that the application may cause interference to Stations WNHC, New Haven, Connecticut (1340 kc, 250 w, Unl.) and WEVD, New York City, New York (1330 kc., 5 kw, DA-2, Unl.), and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicant was advised by letter dated May 31, 1955 of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing, that in a reply dated June 24, 1955, the subject applicant stated that it would appear at a hearing on its application; and

It further appearing, that in letters dated April 4, 1955, and June 21, 1955 Stations WNHC and WEVD, respectively, requested that the subject application be designated for hearing; and

It further appearing, that the Commission, after consideration of the above letters, is of the opinion that a hearing is necessary·

It is ordered, that, pursuant to Section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the subject proposed operation of Station WNLK, and the availability of other primary service to such areas and populations.

2. To determine whether the subject proposed operation of Station WNLK would involve objectionable interference with Stations WNHC, New Haven, Connecticut; and WEVD, New York City, New York; or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby and the availability of other primary service to such areas and populations.

3. To determine, in light of the evidence adduced pursuant to the foregoing issues, if the subject proposed operation of Station WNLK would be in the public interest.

It is further ordered, That The Elm City Broadcasting Corporation and Debs Memorial Radio Fund, Inc., licensees of Stations WNHC and WEVD, respectively, are made parties to the proceeding.

Released: July 18, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P MASSING,
Acting Secretary.

[F. R. Doc. 55-5924; Filed, July 20, 1955; 8:51 a. m.]

[Docket No. 11455; FCC 55-788, etc.]

ROBERT E. BOLLINGER ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Robert E. Bollinger, Portland, Oregon, Docket No. 11455, File No. BP-9320; Mercury Broadcasting Company, Inc. (KLIQ) Portland, Oregon, Docket No. 11456, File No. BP-9400, Docket No. 11457, File No. BR-2266; Albert L. Capstaff and H. Quenton Cox, a partnership d/b as Capstaff Broadcasting Company, Oreg. Ltd., Portland, Oregon, Docket No. 11458, File No. BP-9585; for construction permits and renewal of license.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 13th day of July, 1955;

The Commission having under consideration the above-entitled applications of Mercury Broadcasting Company, Inc., for a renewal of license of Station KLIQ, Portland, Oregon, 1290 kilocycles, 1 kilowatt, daytime only, and for a construction permit to change transmitter and studio locations of KLIQ within Portland, Oregon, install new transmitter and change antenna system, and the above-entitled applications of Robert E. Bollinger and Capstaff Broadcasting Company, Oreg. Ltd. for the facilities licensed to KLIQ;

It appearing, that Robert E. Bollinger and the Capstaff Broadcasting Company, Oreg. Ltd. are legally, technically, financially and otherwise qualified to operate the proposed station; and

It further appearing, that the above-entitled application of KLIQ for renewal of license was filed on February 1, 1954, the expiration date of its license, and action on the renewal application has been withheld pending resolution of a question of unauthorized transfer of control of the licensee corporation from Thomas P Kelly to Gordon E. Bambrick and Harold E. Krieger on August 24, 1953; and

It further appearing, that on April 16, 1954, KLIQ was authorized to remain silent for ninety days because of financial difficulty in operating the station and that the licensee notified the Commission that on May 25, 1954, the Bureau of Internal Revenue, Treasury Department of the United States sold the physical assets of KLIQ at public auction in satisfaction of a tax lien; and that on July 12, 1954, KLIQ was granted permission to remain silent for an aditional ninety days and has continued to remain silent; and

It further appearing, that the subject applications for construction permits are mutually exclusive, and that the application of Mercury Broadcasting Company, Inc. is deficient in that Section V-G of FCC Form 301 has not been submitted to reflect the proposed increase in tower height; that geographical coordinates submitted as describing the proposed site are in error; that elevation above mean sea level of the proposed site as submitted apears to be in error; that the proposed antenna system may not produce the minimum radiation efficiency required by the Commision's Standards of Good Engineering Practice for the class of station proposed; and that it has not been determined yet whether the proposed antenna system would constitute a hazard to air navigation; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letters dated November 3, 1954, and February 28, 1955, of the aforementioned deficiencies and that the Commission was unable to con-

clude that a grant of any of the applications would be in the public interest; and

It further appearing, that Mercury Broadcasting Company, Inc., Capstaff Broadcasting Company, Oreg. Ltd., and Robert E. Bollinger replied to the Commission's letters on December 6, 1954, March 30, 1955, and March 28, 1955, respectively; and

It further appearing, that the Commission, after consideration of the replies, is of the opinion that a hearing is necessary on the above-entitled application of KLIQ for renewal of license and the above-entitled applications for construction permits of Robert E. Bollinger, Mercury Broadcasting Company, Inc. and Capstaff Broadcasting Company, Oreg. Ltd. for operation on 1290kc, 1kw, daytime only, in Portland, Oregon;

It is ordered, That, pursuant to Section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether an unauthorized transfer of control of Mercury Broadcasting Company, Inc., licensee of KLIQ, Portland, Oregon, from Thomas P Kelly to Gordon E. Bambrick and Harold E. Krieger was made by Messrs. Bambrick and Krieger on or about August 24, 1953.

2. To determine the facts and circumstances surrounding the financial difficulty which caused Station KLIQ to remain silent and its physical assets to be sold at public auction.

3. To determine whether the transmitter site and antenna system proposed in the above-entitled application of Mercury Broadcasting Company, Inc. for a construction permit to change the facilities of Station KLIQ would be in compliance with the Commission's Rules and Standards of Good Engineering Practice, and if the said antenna system would constitute a hazard to air navigation.

4. To determine, in light of Issues 1, 2 and 3 above, whether Mercury Broadcasting Company, Inc. is legally, technically, financially and otherwise qualified to operate Station KLIQ as proposed.

5. To determine the areas and populations which will be served by the operation of the stations as proposed by Mercury Broadcasting Company, Inc., Robert E. Bollinger; and Capstaff Broadcasting Company, Oreg. Ltd. and the availability of other primary service to such areas and populations.

6. To determine which of the operations proposed in the above-entitled applications for construction permits by Mercury Broadcasting Company, Inc., Robert E. Bollinger; and Capstaff Broadcasting Company, Oreg. Ltd. would best serve the public interest, convenience or necessity in the light of the evidence adduced under the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each of the above-named applicants to own and operate the proposed station.

(b) The proposals of each of the above-named applicants with respect to management and operation of the proposed station.

(c) The programming proposed by each of the above-named applicants.

7. To determine in light of the evidence adduced under the above issue which if any of the applications should be granted.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue:

To determine whether funds available to the applicant will give reasonable assurance that the proposal set forth in the application will be effectuated.

It is further ordered, That a grant of any one of the subject applications shall contain the following condition in the construction permit.

Permittee shall be responsible for the installation and adjustment of suitable filtering circuits or other equipment which may be necessary to prevent interaction between its antenna system and that of other stations in the vicinity.

Released: July 18, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P MASSING,
Acting Secretary,

[F. R. Doc. 55-5925; Filed, July 20, 1955; 8:52 a. m.]

[Docket No. 11459; FCC 55-779]

KY-VA BROADCASTING CORP. (WKYV)

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of KY-VA Broadcasting Corporation (WKYV), Harlan, Kentucky, Docket No. 11459, File No. BP-9715; for construction permit.

1. The Commission has before it a protest filed on June 17, 1955, by Blanfox Radio Co., Inc., licensee of Radio Station WHLN, Harlan, Kentucky (1230kc, 250w, Unl., CP 1230kc, 1kw, Day) pursuant to Sections 309 (c) and 405 of the Communications Act of 1934, as amended, protesting the Commission's action of May 18, 1955 (released May 19, 1955) granting without hearing the above-entitled application of KY-VA Broadcasting Corporation for a new standard broadcast station WKYV to operate on 1410 kilocycles with a power of 1 kilowatt, daytime only, at Harlan, Kentucky; an opposition to the said protest filed by WKYV on June 27, 1955; and a reply thereto filed by WHLN on July 1, 1955.

2. At the time of the grant to WKYV, May 18, 1955, WHLN was an existing station licensed to operate on 1230 kilocycles with a power of 250 watts, unlimited time, at Harlan, Kentucky. On the same day of the grant to WKYV, WHLN was granted a construction permit to change facilities to operate on 1280 kilocycles with a power of 1 kilowatt, daytime only, at Harlan, Kentucky.

3. In support of its protest, WHLN contends that it is a party in interest within the purview of Section 309 (c) of the Communications Act of 1934, as amended, because it will suffer economic injury since it is the only existing station in the same town where WKYV proposes to operate and the area "does not have sufficient economic resources to permit two standard broadcast stations to operate on an economically sound basis"

4. The facts, matters and things relied upon in the WHLN protest are that the City of Harlan and the area served by WHLN have suffered a high percentage of population loss and business failures since 1950; that there has been a 13.5 per cent decrease in population in Harlan County since 1950; that since 1950 sixteen active mines closed in the Harlan area, resulting in a loss of 3,500 opportunities for gainful employment; that sixteen business establishments in the Harlan area have closed since 1950, including a large milk processing plant and a bottling company; that WHLN receives the greater portion of its income from local programs and spot sales; and that "in spite of careful and economic operation" it operated at a loss during 1953 and the first quarter of 1955. WHLN concludes that to compete with an additional standard broadcast station in the area would mean the economic destruction of both radio stations.

5. WKYV contends in its opposition that WHLN is not a party in interest within the purview of Section 309 (c) WKYV points to the statement by WHLN in its protest that WHLN is now operating as a daytime only station. The construction permit for WHLN's change of facilities to its present daytime only operation was granted on May 18, 1955, the same day that the construction permit for a new station was granted to WKYV. WKYV contends that when two grants have been made on the same day, one applicant has no standing to protest the grant of the other. In support of this view WKYV cites In re Application of Central City-Greenville Broadcasting Co. 11 RR 484. However, in that case both applications for new stations in the same community but on different frequencies were granted on the same day. The instant case is distinguishable by the fact that WHLN was an existing station on the day grants were made to it and WKYV. WKYV also claims that WHLN has not specified with particularity facts, matters and things relied upon as required by 309 (c) WKYV contends that population figures set forth by WHLN have no pertinency; that "the unavailability of support for two stations is expressed as a conclusion. The few skimpy facts do not lead to it." It is contended by WKYV that WHLN has no experience as a daytime operation to know whether the economics involved are such that two stations cannot exist.

6. In its reply to WKYV's opposition, WHLN reasserts the contentions made in its protest and further argues that it is a party in interest because it was an existing station at the time of the grant to WKYV, that WHLN has 14 years ex-

perience in operating a radio station to know the effect of broadcast competition, that coal mining is the basic industry of the Harlan area and "without such industry the area could not exist under any circumstances" nor "could the existing and potential advertisers afford economic support to two stations"

7. In view of the fact that the protestant is licensee of standard broadcast station WHLN, Harlan, Kentucky· that the grant herein protested establishes a second standard broadcast station in Harlan, Kentucky in direct competition with protestant's existing and operating station; and that the protestant has alleged that it has been and will continue to be financially injured by the grant in question, we are constrained to conclude that protestant is a "party in interest" which may protest under Section 309 (c) See T. E. Allen and Sons, 9 Pike and Fischer RR 197· Federal Communications Commission v. Sanders Brothers Radio Station, 309 U. S. 407 (9 RR 2008)

8. WHLN has specified the following issues on which it requests an opportunity to present evidence:

1. To determine whether the Harlan market will provide sufficient revenues to the proposed station so as to permit the applicant to adequately serve his public.

2. To determine whether the advertising potential of the Harlan market is such as may indicate that both stations, the existing and the proposed, will go under, with the result that a portion of the listening public will be left without adequate service.

3. To determine whether the advertising potential of the Harlan market is so slight that by a division of the field, both stations, the existing and the proposed, will be compelled to render inadequate service.

4. To determine whether the grant of such application would result in depriving the public of the service of both stations.

5. To determine whether the applicant is financially qualified to construct, own and operate the proposed station if economic support is not available.

6. To determine, in the light of the evidence adduced with respect to the foregoing issues, whether the public interest, convenience or necessity require that the Commission's action of May 18, 1955, granting the above-entitled application should be vacated.

9. Issues 1, 2, 3 and 4 as specified by the protestant relate to economic injury. The protestant has set forth population loss and business failure figures to indicate that the economic status of the Harlan area is one of regression. The protestant indicates that "even with economical operation" WHLN has operated at a loss in 1953 and the first quarter of 1955 and that if a second station is established in Harlan neither could exist on the potential advertising revenue in the market in face of the business regression. These economic issues, designed to show that the public interest would suffer by the establishment of a second station in Harlan, Kentucky, in all likelihood are not pertinent because of considerations already set out by the Commission In re Voice of Cullman, 6 RR 164 (1950) [1] However, the Commission in recent cases, In re American Southern Broadcasters (WPWR) (FCC 55–726) In re Application of Radio Tifton (WTIF) (FCC 55–725) and In re Application of Deep South Broadcasting Company (WSLA) (FCC 55–727) determined that resolution of the legal and policy questions raised by the "economic injury" issues can best or most appropriately be made after factual evidence pertinent to such issues has been adduced in evidentiary hearing. Thus the WKYV application will likewise be set for hearing on the "economic injury" issues, with the determination of the legal and policy matters raised by these issues, if such a determination is called for after receipt of the factual evidence, to be made initially by the Examiner in his Initial Decision and subsequently upon review by this Commission. The burden of proceeding with the introduction of evidence and the burden of proof with respect to the "economic injury" issues shall be on the protestant.

10. Issue 5 as specified by the protestant seeks an issue to determine whether WKYV is financially qualified "if economic support is not available" Since this issue is based on the general contention by the protestant that the Harlan market cannot support two radio stations, it appears that it also should be accorded the same treatment as the other "economic injury" issues specified by the protestant. Accordingly, the burden of proceeding with the introduction of evidence and the burden of proof with respect to this issue shall be on the protestant.

11. In view of the foregoing, *It is ordered,* That the petition of Blanfox Radio Co., Inc., is granted to the extent provided for below· in all other respects the petition is denied;

It is further ordered, That, pursuant to Section 309 (c) of the Communications Act of 1934, as amended, effective immediately, the effective date of the grant of the above-entitled application is postponed pending a final determination by the Commission with respect to the hearing herein provided for, and that the above-entitled application is designated for evidentiary hearing at the offices of the Commission in Washington, D. C., at a time to be specified by a further order, upon the following issues:

1. To determine whether the Harlan market will provide sufficient revenues to the proposed station so as to permit the applicant to adequately serve his public.

2. To determine whether the advertising potential of the Harlan market is such as may indicate that both stations, the existing and the proposed, will go under, with the result that a portion of the listening public will be left without adequate service.

3. To determine whether the advertising potential of the Harlan market is so slight that by a division of the field, both stations, the existing and the proposed, will be compelled to render inadequate service.

4. To determine whether the grant of such application would result in depriving the public of the service of both stations.

5. To determine whether the applicant is financially qualified to construct, own and operate the proposed station if economic support is not available.

6. To determine, in the light of the evidence adduced with respect to the foregoing issues, whether the public interest, convenience or necessity require that the Commission's action of May 18, 1955, granting the above-entitled application should be vacated.

It is further ordered, That the burden of proceeding and the burden of proof on all Issues are placed on Blanfox Radio Co., Inc.

It is further ordered, That Blanfox Radio Co., Inc., licensee of Station WHLN, Harlan, Kentucky; and the Chief, Broadcast Bureau, are made parties to the proceeding.

Adopted: July 13, 1955.

Released: July 18, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P MASSING,
Acting Secretary.

[F. R. Doc. 55-5926; Filed, July 20, 1955; 8:52 a. m.]

[1] See also In re Van Curler Broadcasting Corporation, 11 RR 215, where the Commission states "there is grave doubt as to whether a showing of economic injury on the part of a protestant would entitle him to a hearing on an issue related to the competition which the protestant would suffer from the operation of another station in his community"

FEDERAL POWER COMMISSION

[Docket No. G-2965, etc.]

CAMERON OIL AND GAS CO. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

JULY 15, 1955.

In the matters of Cameron Oil and Gas Company Docket Nos. G-2965 through G-2969, G-2971, and G-2972; Cameron Producing Company, Docket No. G-2973; Cameron Oil and Gas Company and Cameron Producing Company, Docket No. G-2974.

Take notice that Cameron Oil and Gas Company and Cameron Producing Company (hereinafter referred to as "Applicant") with their principal place of business in Charleston, West Virginia, filed application on September 22, 1954, for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicants to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open to public inspection.

Applicants produce and sell natural gas in interstate commerce for resale, as indicated below·

Docket No.	Applicant	Location of field	Purchaser
G-2965	Cameron Oil & Gas Co.	Elk District, Kanawha County, W. Va.	South Penn. Nat. Gas Co.
G-2966	do	Washington District, Boone County, W. Va.	Do.
G-2967	do	Washington District, Boone County, W. Va.	Do.
G-2968	do	Scott District, Boone County, W. Va.	United Fuel Gas Co.
G-2969	do	Jefferson District, Lincoln County, and Scott District, Boone County, W. Va.	Do.
G-2971	do	Spruce River District, Boone County, W. Va.	South Penn. Nat. Gas Co.
G-2972	do	Buckhannon District, Upshur County, W. Va.	
G-2973	Cameron Producing Co.	Washington District, Upshur County, W. Va.	Watson Oil & Gas Co.
G-2974	Cameron Oil & Gas Co. and Cameron Producing Co.	Elk and Malden Districts, Kanawha County, W. Va.	South Penn. Nat. Gas Co.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 26, 1955, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 8, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-5902; Filed, July 20, 1955; 8:48 a. m.]

[Docket No. G-4617]

CHAFIN LAND CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JULY 15, 1955.

Take notice that Chafin Land Company (Applicant) a West Virginia Corporation whose address is 517 Ninth Street, Huntington, West Virginia filed on November 1, 1954, an application for a certificate of public convenience and necessity pursuant to Section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant sells natural gas produced in Logan County, West Virginia to Columbian Carbon Company for transportation in interstate commerce for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 26, 1955, at 9:40 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 8, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-5903; Filed, July 20, 1955; 8:48 a. m.]

[Docket No. G-9001]

SOUTHWESTERN EXPLORATION CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JULY 15, 1955.

Take notice that Southwestern Exploration Company (Applicant) a co-partnership whose address is 503 Union National Bank Building, Wichita, Kansas, an operator[1] filed on June 6, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas produced from the Hugoton Field, Haskell and Finney Counties, Kansas to Colorado Interstate Gas Company for transportation in interstate commerce for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 24, 1955, at 9:40 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 8, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-5904; Filed, July 20, 1955; 8:48 a. m.]

[Docket No. G-4331, etc.]

UNION OIL CO. OF CALIFORNIA ET AL.

NOTICE OF CONSOLIDATION AND CONTINUANCE OF HEARINGS

JULY 13, 1955.

In the matters of Union Oil Company of California, Docket No. G-4331, Union Oil Company of California and Louisiana Land and Exploration Company, Docket No. G-4332; Morris Rauch, et al., Docket No. G-4334; Bel Oil Corporation, Docket No. G-4505.

A number of requests have been made in the above-designated independent-producer rate increase proceedings for a continuance of hearings now separately scheduled to commence at various dates in July, 1955, and for consolidation of related proceedings.

It appears that the above-designated proceedings are so interrelated that the matters should be heard on a consolidated record. Accordingly these pro-

[1] And on behalf of the following non-operators: Lester Wilkenson, R. K. Howse, E. C. Moriarty, A. S. Ritchie, Herman D. Ewers, J. Arch Butts, Jr., John H. Butts, and Virginia Derby House (percentage interest of each listed in Application).

ceedings are hereby consolidated; the hearings heretofore scheduled are hereby postponed, and a hearing in these consolidated proceedings is hereby fixed to commence on September 21, 1955, at 10:00 a. m., e. d. s. t., in the Commission's Hearing Room, 441 G Street NW., Washington, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-5905; Filed, July 20, 1955; 8:48 a. m.]

[Docket No. G-8288, etc.]

SUN OIL CO. ET AL

NOTICE OF CONSOLIDATION AND CONTINUANCE OF HEARINGS

JULY 13, 1955.

In the matters of Sun Oil Company, Docket No. G-8288; E. J. Hudson, et al., Docket No. G-4335; Maracaibo Oil Exploration Corporation, Docket No. G-6279.

A joint request has been made by E. J. Hudson, et al., in Docket No. G-4335 and by Maracaibo Oil Exploration Corporation in Docket No. G-6279 for a continuance of hearings now separately scheduled to commence on July 21 and 29, 1955, respectively, and for consolidation of related proceedings.

It appears that the above-designated proceedings are so interrelated that the matters should be heard on a consolidated record. Accordingly, these proceedings are hereby consolidated, the hearings heretofore scheduled to commence on July 21 and 29, 1955, in Docket Nos. G-4335 and G-6279, respectively, are hereby postponed, and a hearing in these consolidated matters is hereby fixed to commence on September 7, 1955, at 10:00 a. m., e. d. s. t., in the Commission's Hearing Room, 441 G Street NW Washington, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-5906; Filed, July 20, 1955; 8:48 a. m.]

[Docket No. G-8697, etc.]

STANOLIND OIL AND GAS CO. ET AL.

ORDER FIXING DATE OF HEARING AND SPECIFYING PROCEDURE

In the matters of Stanolind Oil and Gas Company (Operator) et al., Docket No. G-8697; Continental Oil Company, Docket No. G-8696; Mississippi River Fuel Corporation, Docket No. G-9097.

The above-designated proceedings have heretofore been set to resume hearing on July 19, 1955.

On July 11, 1955, Stanolind Oil and Gas Company and Continental Oil Company represented to the Commission that further time would be needed to adequately prepare for the issues presented in these proceedings and requested a further continuance as well as a separation of issues raised by the Petition of Mississippi River Fuel Corporation in Docket No. G-9097.

The Commission finds:

A further continuance of the recess in these proceedings is necessary in order to permit the parties to adequately prepare to meet the issues raised in these proceedings.

The Commission orders:

The proceedings in Docket Nos. G-8697, G-8696 and G-9097 are hereby continued to resume further hearings on August 2, 1955 in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., on all issues except those raised by the Petition filed on July 5, 1955, by Mississippi River Fuel Corporation and at the conclusion of these hearings, these proceedings shall be recessed by the Examiner to resume on September 27, 1955, to consider all matters presented by the aforesaid Petition filed by Mississippi River Fuel Corporation.

Adopted: July 13, 1955.

Issued: July 15, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-5907; Filed, July 20, 1955; 8:48 a. m.]

[Docket No. G-9136]

C. N. JOHNSTON ET AL.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

C. N. Johnston et al. (Applicants) on June 17, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing which is proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date [1]
Notice of change dated June 8, 1955.	United Gas Pipeline Co.	Supplement No. 1 to applicants' FPC Gas Rate Schedule No. 1.	July 18, 1955

[1] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by applicant if later.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in Sections 4 and 15 of the Natural Gas Act and the Commission's General Rules and Regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until December 18, 1955, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: July 13, 1955.

Issued: July 15, 1955.

By the Commission.[1]

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-5908; Filed, July 20, 1955; 8:49 a. m.]

[Docket No. G-4932, etc.]

MIDSTATES OIL CORP. ET AL.

ORDER TO SHOW CAUSE, CONSOLIDATING PROCEEDINGS, AND FIXING DATE OF HEARING

In the matters of Midstates Oil Corporation, Docket No. G-4932; Seneca Development Company, Docket No. G-8616; Hassie Hunt Trust, Docket No. G-8618; Hunt Oil Company, Docket No. G-8619; H. L. Hunt, Docket No. G-8620; Nebo Oil Company, Docket No. G-8621, G. H. Vaughn, Docket No. G-8902; Sunray Oil Corporation, Docket No. G-8960; Cotton Valley Operators Committee Docket No. G-9086.

Notices of proposed changes by way of increased rates in the F P C. Gas Rate Schedules filed by the Applicants in the foregoing designated Dockets are allegedly applicable to sales of substantial volumes of gas made in the Cotton Valley Field, Webster Parish, Louisiana to Louisiana Nevada Transit Company (Louisiana-Nevada), a natural gas company subject to the jurisdiction of the Commission (3 F P C. 837)

The contract by which Louisiana-Nevada purchases gas in the said Cotton Valley Field was executed on October 24, 1950, by and between Louisiana-Nevada as buyer, and Cotton Valley Operators Committee (Committee) as agent for all operators and royalty owners, individually and collectively, as seller. The Committee was organized on or about May 22, 1940, in accordance with the terms of an unitization agreement, as

[1] Commissioner Digby dissenting.

provided by the Statutes of the State of Louisiana, and the Committee was thereby designated as agent or representative of all owners of gas or unitized substances in the Cotton Valley Field in reference to sales and other dispositions of gas, payment of taxes, and other specified operations.

The Commission finds:

(1) It is appropriate in the public interest and necessary to the proper administration of the Natural Gas Act that the aforesaid Applicants in the above designated proceedings be required to show cause, if any there be, why the notices of proposed increases and the rate schedules and supplements filed by said Applicants proposing increases in rates and charges for sales of natural gas subject to the jurisdiction of the Commission should not be cancelled and removed from the Commission's files and records and why one gas rate schedule with necessary supplements should not be filed by Cotton Valley Operators Committee applicable to these sales.

(2) The proceedings in the above designated Dockets should be consolidated for the purposes of hearing with the proceedings In the Matter of Cotton Valley Operators Committee, Docket No. G-9086.

The Commission orders:

(A) Pursuant to the authority conferred by the Natural Gas Act, including particularly Sections 4, 5, 7, 14, and 16, that Midstates Oil Corporation, Seneca Development, Hassie Hunt Trust, Hunt Oil Company, H. L. Hunt, Nebo Oil Company, G. H. Vaughn, and Sunray Oil Corporation show cause, if any there be, at a public hearing to be held commencing July 29, 1955, at 10:00 a .m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., why the notices of proposed increases in rates, the F P C. Gas Rate Schedules and supplements thereto, filed by the foregoing designated Applicants, and alleged to be applicable to sales of gas to Louisiana-Nevada, in Webster Parish, Louisiana, should not be cancelled and removed from the Commission files and why one rate schedule with necessary supplements thereto consisting of the gas sales contract between said Committee and Louisiana-Nevada should not be filed and established as applicable to all sales of gas delivered under operations of the Committee to Louisiana-Nevada.

(B) The proceedings in Dockets No. G-4932, G-8616, G-8618, G-8619, G-8620, G-8621, G-8902, G-8960, and G-9085 be and they hereby are consolidated for purposes of hearing.

(C) Interested State Commissions may participate as provided by section 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: July 13, 1955.

Issued: July 14, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-5909; Filed, July 20, 1955; 8:49 a. m.]

[Docket No. G-8835]

HUMBLE OIL & REFINING CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JULY 14, 1955.

Take notice that Humble Oil & Refining Company (Applicant), a Texas corporation whose address is P O. Box 2180, Houston 1, Texas, filed on April 29, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render a proposed service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposed to sell in interstate commerce (12.54 cents per Mcf) to Mississippi River Fuel Corporation for resale all of its share of the natural-gas produced from the Durkee Unit of Woodlawn Field in Harrison County, Texas.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end;

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 9, 1955, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 29, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-5910; Filed, July 20, 1955; 8:49 a. m.]

[Docket No. G-8877]

A. W. GREGG

NOTICE OF APPLICATION AND DATE OF HEARING

JULY 14, 1955.

Take notice that A. W Gregg (Applicant) an individual whose address is 912 City National Bank Building, Houston, Texas, filed on May 9, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to produce natural-gas from additional lands in the Lou Ella Field in Jim Wells, San Patricio and Live Oak Counties, Texas, and to sell the same in interstate commerce to Trunkline Gas Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 12, 1955, at 9:30 a. m., e. d. s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission ,Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 1, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-5911; Filed, July 20, 1955; 8:49 a. m.]

[Docket No. G-8973]

BURCH SPEARS

NOTICE OF APPLICATION AND DATE OF HEARING

JULY 14, 1955.

Take notice that Burch Spears (Applicant) an individual whose address is 1401 E. Park Street, Victoria, Texas, filed on May 27, 1955, an application for a certificate of public convenience and necessity pursuant to Section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to produce natural-gas in the Medio Creek Field, Bee County, Texas, and to sell it in interstate commerce to Trunkline Gas Company for resale.

This matter is one that should be disposed of as promptly as possible under

the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 12, 1955, at 9:45 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however* That the Commission may after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 1, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-5912; Filed, July 20, 1955; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3398]

UNION ELECTRIC COMPANY OF MISSOURI AND UNION ELECTRIC POWER CO.

NOTICE OF FILING OF APPLICATION-DECLARATION IN RESPECT OF PROPOSED ACQUISITION BY PARENT COMPANY OF ASSETS OF PUBLIC UTILITY SUBSIDIARY

JULY 15, 1955.

Notice is hereby given that Union Electric Company of Missouri ("Union Electric") a registered holding-operating company, and its wholly owned public utility company subsidiary Union Electric Power Company ("Union Power") have filed with this Commission a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act"). Applicants-declarants have designated Sections 9 (a) 10, and 12 (b) (c) (d) and (f) of the Act, and Rules U-42, U-43, U-44, U-45, and U-46 as applicable to the proposed transactions.

All interested persons are referred to the application-declaration on file in the office of this Commission for a full statement of the transactions therein proposed, which are summarized as follows:

Union Electric owns all of the outstanding securities of Union Power, and proposes to acquire all of the property and assets of Union Power. The acquisition of the property and assets is to be accomplished by (a) the transfer for cash, at book value ($1,250,000) by Union Power to Union Electric of all of the outstanding capital stock (12,500 shares of the par value of $100 each) of Union Colliery Company, a non-utility wholly owned subsidiary of Union Power; (2) the dissolution of Union Power pursuant to the Business Corporation Act of the State of Illinois, the distribution to Union Electric of all of the property and assets of Union Power, including the $1,250,000 received for the capital stock of Union Colliery Company, the surrender by Union Electric for cancellation of all of the outstanding securities of Union Power, and the assumption by Union Electric of all of the liabilities of Union Power.

The application-declaration states that the proposed transactions are to simplify the corporate structure of Union Electric's system, thus simplifying the operations and financing of the system, as well as eliminating duplication of regulatory proceedings, reports, and taxes.

The application-declaration further states that the assets of Union Power to be acquired by Union Electric through dissolution of Union Power consist of generating plants, transmission, and distribution systems located in the areas adjacent to St. Louis, Missouri and Keokuk and Fort Madison, Iowa, operated in conjunction with those of Union Electric, and a gas distribution system in Alton, Illinois, and vicinity. At April 30, 1955, such properties had an aggregate original-cost book value of $188,484,167, and an applicable reserve for depreciation of $54,402,948, or a book value after deducting reserve for depreciation of $134,081,219. In addition the assets to be acquired include a demand note of Union Colliery Company dated January 1, 1936, originally in the sum of $929,541.16 but which has been reduced to $429,541.16.

It is further stated that the Illinois Commerce Commission has jurisdiction over the disposition by Union Power of its properties, the acquisition thereof by Union Electric, and the mortgaging of such properties by Union Electric; that the Public Service Commission of Missouri has jurisdiction over the "merger" of the "works, system, or franchise" of Union Electric with those of Union Power and the mortgaging of its "franchise, works, or system, necessary or useful in the performance of its duties to the public" and that applications have been filed for approval of the proposed transactions by such commissions.

It is also stated that no fees or commissions, other than legal and engineering fees, statutory fees, and incidental expenses, are to be incurred or paid, and that the fees and expenses to be incurred are estimated at $20,500, including counsel fees of $8,000, engineer fees of $500, and statutory fees of $7,250.

Notice is further given that any interested person may, not later than July 29, 1955, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held in respect of the proposed transactions, stating his interest in the matters, the reason for such hearing, and the issues of fact or law which he desires to controvert, or may request that he be notified if the Commission orders a hearing in respect of the matters. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the Commission may grant and permit to become effective the application-declaration, as filed or as amended, as provided by Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt the transactions as provided in Rules U-20 (a) and U-100 or take such other action as it deems appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-5914; Filed, July 20, 1955; 8:50 a. m.]

[File Nos. 54-54, etc.]

NORTHERN STATES POWER CO. ET AL.

NOTICE OF FILING OF AMENDMENT TO PLAN HERETOFORE APPROVED AND ENFORCED

JULY 14, 1955.

In the matter of Northern States Power Company (Delaware), File No. 54-54; Northern States Power Company (Minnesota) File No. 70-559; Northern States Power Company (Delaware) and each of its subsidiaries, File No. 59-90.

Notice is hereby given that Northern States Power Company (a Delaware corporation) ("Delaware"), is a registered holding company in the process of liquidation pursuant to a plan (Second Amended Plan, as modified ("Plan")), approved by the Commission (Holding Company Act Release No. 7976, January 30, 1948) under Section 11 (e) of the Public Utility Holding Company Act of 1935 ("Act") The Plan was approved and enforced by order entered September 18, 1948, by the United States District Court for the District of Minnesota, Fourth Division, No. 2673, Civil (80 F Supp. 193) and become effective September 30, 1948. Delaware has filed an application under the Act requesting approval of a proposed amendment to the Plan to designate a date on and after which rights under the Plan shall terminate and become void.

All interested persons are referred to the Plan, the proposed amendment, and the application for approval of the amendment, on file in the offices of the Commission, for a full statement of the provisions of the Plan, the rights thereunder, the provisions of the proposed amendment and the effect thereof, which are summarized below.

In brief, the Plan provides for the liquidation and dissolution of Delaware. To effectuate the liquidation the Plan provides for the reclassification of the 3,518,889 shares of no par value common stock of Northern States Power Company (a Minnesota corporation) ("Minnesota") into 9,527,623 shares of no par value common stock, and the distribution of such stock, constituting substantially all of the assets of Delaware, among the common and preferred stockholders of Delaware, in exchange for the surrender for cancellation of their certificates for stock of Delaware.

Under the Plan the respective holders of record on the effective date thereof became entitled to receive distributions of cash and Minnesota common stock on the following basis:

$3.50 per share in cash, and 10 shares of Minnesota common stock, for each share of Delaware's 7 percent cumulative preferred stock and all accumulated and unpaid dividends thereon;

$3.00 per share in cash, and 9 shares of Minnesota common stock, for each share of Delaware's 6 percent cumulative preferred stock and all accumulated and unpaid dividends thereon;

5¼ shares of Minnesota common stock for each share of Delaware's Class A common stock; and

5/12 share of Minnesota common stock for each share of Delaware's Class B common stock.

The applicant company states that on September 20, 1948 there were approximately 53,022 holders of the two classes of preferred stock and 1,849 holders of Class A common stock of Delaware; and Standard Gas and Electric Company and two other holders owned all of the Class B common stock. The applicant company also states that on May 31, 1955, only 51 holders (approximately 1/10 of 1 percent of the number on the effective date of the Plan) had not exchanged their Delaware stock for Minnesota common stock. The number of shares of Minnesota common stock distributable to them aggregated 2,921 (less than 1/100 of 1 percent of the 9,527,622 11/12 distributable under the Plan) Efforts to procure exchanges of stock are to continue through correspondence, by personal solicitation by employees, and by tracer experts, and the company estimates that by September 30, 1956, the number of such shares distributable will be reduced to 1,000.

The Plan as approved contains no provision limiting the time for, or terminating the right of exchanging Delaware stock for Minnesota stock, except as to fractional interests. No fractional shares of Minnesota are distributable. In lieu thereof, the Plan provides for, and there have been issued, scrip certificates representing such fractional interests. Such scrip certificates representing fractional interests equal, in the aggregate, to one or more full share of Minnesota common stock were exchangeable for such shares. Scrip certificates unexchanged on or prior to September 30, 1953 became void. On that date there were outstanding such unexchanged certificates representing 81 shares of Minnesota stock.

In addition to the shares of Minnesota stock above stated as presently distributable under the Plan to holders of unexchanged certificates for Delaware stock, Delaware holds for the account of such holders (or their heirs or assigns) (a) dividends declared upon the shares of Minnesota common stock since September 30, 1948, aggregating $15,528.80 at April 30, 1955, to which such holders are entitled and (b) cash in banks, aggregating $14,618.28 at April 30, 1955, for payment of sums evidenced by checks, not presented for payment, issued to cover accumulated dividends on Minnesota stock payable to stockholders who have exchanged their Delaware stock for Minnesota stock.

Delaware also holds cash in banks, aggregating $65,067.77 at April 30, 1955, representing uncollected dividends, principally on its two series of preferred stock, declared from time to time from October 15, 1912 to October 20, 1948. Of the total sum of $65,067.77 only $2,807.39 is held for the account of persons holding of record on September 30, 1948 certificates for Delaware stock not exchanged under the Plan for shares of Minnesota. The number of such uncollected dividend accounts at April 30, 1955 aggregated 4,654, of which more than 88 percent are for less than $25, more than 70 percent are for less than $10, the average is approximately $14, and a great number are for $1.50 and $1.75.

As at April 30, 1955, Delaware's remaining assets (other than shares of Minnesota common stock held for distribution under the Plan) consisted of cash in the amount of $213,061.04, of which $117,846.19 was unappropriated cash and the remainder, $95,214.85, was funds appropriated to cover the accumulated dividends described above. It is stated that Delaware's assets exceed its liabilities, actual and contingent, including all estimated fees and expenses yet to be paid; that all fees and expenses to and including March 31, 1955 have been paid; and that the remaining fees and expenses to be paid are estimated at not to exceed $9,500, including attorney's fees of $4,500.

The proposed amendment (Amendment No. 1) to the Plan provides that:

(1) On September 30, 1956 (eight years after the effective date of the Plan) all rights of holders of certificates for stock of Delaware (or their personal representatives, heirs or assigns) to exchange the same for certificates of common stock of Minnesota, pursuant to the Plan, and to receive the accumulated dividends on the share of Minnesota to which they are entitled, shall terminate and such certificates for Delaware stock shall become void;

(2) On September 30, 1956, all rights to collect moneys representing dividends heretofore declared by Delaware on shares of its stock not collected by the persons entitled thereto, shall terminate;

(3) Promptly after September 30, 1956 (a) all shares of common stock of Minnesota held by Delaware for distribution and delivery to holders of Delaware stock pursuant to the Plan, (b) the moneys held by Delaware representing dividends on such shares of Minnesota stock, (c) the moneys held by Delaware representing checks issued by Delaware in payment of dividends on shares of Minnesota common stock and not collected by persons entitled thereto, and (d) the moneys held by Delaware representing dividends declared by it on shares of its stock and not collected by persons entitled thereto, shall (except to the extent required to defray expenses incident to the consummation of the Plan) be delivered by Delaware to Minnesota and become a part of its general corporate funds.

Delaware requests that:

(1) The Commission find the Plan as modified by the proposed amendment ("Revised Plan") necessary to effectuate the provisions of Section 11 (b) of the Act and fair and equitable to the persons affected thereby;

(2) The Commission, upon approval of the Revised Plan, apply to the United States District Court for the District of Minnesota, Fourth Division, to enforce and carry out the terms and provisions of the Revised Plan.

Notice is further given that any interested person may, not later than 5:30 p. m., e. d. s. t., on August 15, 1955, request the Commission in writing that a hearing be held in respect of the proposed amendment to the Plan, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the Commission may grant the application and approve the Revised Plan, or the Commission may take such other action as it deems appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-5861; Filed, July 19, 1955; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH-SECTION-APPLICATIONS FOR RELIEF

JULY 18, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT-HAUL

FSA No. 30858: Cotton between points in southern territory. Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on cotton, in bales, compressed or uncompressed, carloads, between points in the Southeast and the Carolinas.

Grounds for relief: Short-line distance formula, motor truck competition and circuity.

Tariff: Supplement 27 to Agent Spaninger's I. C. C. 1266.

FSA No. 30859: Scrap iron or steel—Columbus, Ga., to Talladega, Ala. Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on scrap iron or steel, carloads, from Columbus, Ga., and grouped origins to Talladega, Ala.

Grounds for relief: Circuitous routes.

Tariff: Supplement 79 to Agent Spaninger's I. C. C. 1329.

FSA No. 30861. Sand—Indiana points to Nokomis, Ill. Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on sand, carloads, from Cayuga,

Dickason Pit, Standard Pit and Terre Haute, Ind., to Nokomis, Ill.

Grounds for relief: Wayside truck competition.

Tariff: Supplement 54 to Chicago and Eastern Illinois Railroad tariff I. C. C. 414 and one other tariff.

FSA No. 30860: Sand—Indiana points to Pana, Ill. Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on sand, carloads, from Cayuga, Dickason Pit, Standard Pit, Terre Haute, Riverton, and Olin (Kern), Ind.

Grounds for relief: Wayside truck competition.

Tariff: Supplement 54 to Chicago and Eastern Illinois Railroad tariff I. C. C. 144 and two other tariffs.

FSA No. 30862: Asphalt—Arkansas and Texas to southern points. Filed by F C. Kratzmeir, Agent, for interested rail carriers. Rates on asphalt (asphaltum) carloads, from El Dorado, Ark., and group, Big Sandy and Mt. Pleasant, Tex., and group to North bank Ohio River Crossings, points in Alabama, Kentucky, Mississippi and Tennessee, including Memphis.

Grounds for relief: Short-line distance formula, maintenance of rate relationship with producing points in southern territory, and circuity.

Tariff: Supplement 82 to Agent Kratzmeir's I. C. C. 3725 and two other tariffs.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 55-5913; Filed, July 20, 1955; 8:50 a. m.]